

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/18/11 **DATE OF COMPLETION:** 12/15/11 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said the officer was not justified in having detained him and his friends and cousin because they were not breaking any law. The detention was based on a 911 report of suspicious activity by a group of five individuals in a dark car near a major tourist attraction at an Ocean Beach parking lot. The complainant and his companions fit the description as reported to the patrol officers by dispatch. The Event History Detail corroborates the report. Based on the reported information and description of the complainant and his companions, the officers had reasonable suspicion to detain. There were no other witnesses. 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 used unnecessary force.

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

FINDINGS OF FACT: The complainant and his five companions said despite the complainant's refusal to comply with the officers verbal commands, and the complainant's verbal challenges to the officer's authority, the officer was wrong in having punched the complainant in the face numerous times. Department General Order guidelines authorize the use of physical force if verbal persuasion is unsuccessful. The officer stated that fearing for his safety and that he and his partner were out numbered by the complainant and his associates, he only used the amount of force reasonably necessary to gain compliance and control of the complainant. There is inconsistent evidence as to how many times the officer struck the complainant. The witness officer denied seeing the named member strike the complainant. The named member only reported striking the complainant once. If the officer struck the complainant more than once, even if justified in doing so, he would have a duty to report it. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #4: The officer issued an invalid citation.

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

FINDINGS OF FACT: The complainant was cited for resisting and assault on a police officer. The complainant denied committing either violation. The evidence is uncontested that the complainant did not immediately comply with the officers repeated instructions to sit down after repeatedly being asked to do so. Department General Order guidelines authorize the use of physical force if verbal persuasion is unsuccessful. The officer stated that he only used the amount of force reasonably necessary to gain compliance and control of the complainant. The officer said and photographs corroborate that during the struggle with the complainant the officer and complainant sustained injuries. There were no other witnesses. 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 #5: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that when an officer was using unnecessary force against him the officers partner had a duty to prevent the named officer from striking the complainant. Department rules and procedures, as well as state law, require an officer to stop a crime in progress. The evidence is inconclusive as to whether the force used in this incident was reasonable because the number of blows inflicted by the named member is contested. The officer denied seeing any unnecessary force. There were no other witnesses. 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 wrote an incomplete report.

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

FINDINGS OF FACT: The complainant said that the officer did not document pat searching him, any of the other detained individuals, or the vehicle. The officer did not recall pat searching any of the detained individuals and did not know if anyone else did so. The officer said he received consent and searched the vehicle. The officer said nothing was removed from or booked as evidence from the detained individuals or the vehicle, therefore he was not required to document the pat or vehicle search in the incident report. The incident report does not document the searches having been conducted or any item or evidence as having been removed from either the parties or the vehicle. The parties were all released at the scene and provided Certificates of Releases. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7 & 8: The officers conducted a vehicle search without cause.

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

FINDINGS OF FACT: The complainant said after he was transported to the hospital, his friend's car was searched without cause or permission. The owner of the vehicle said he was asked and gave an officer permission to search his car. The officer said after obtaining permission he conducted a search of the car. The officer said nothing was removed from the vehicle. The officer could not recall who, if anyone, assisted him with the search of the car. Several of the detained individuals said that more than one officer searched the vehicle but they could not identify the officer. All back-up officers were questioned and denied searching the vehicle. The investigation was unable to identify a second officer involved in the search of the vehicle. One of the circumstances in which an officer can lawfully search a vehicle is if he is given permission to do so. In this incident, the officer asked and was granted permission to search the car. The search of the vehicle was proper. 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 ALLEGATIONS #1-3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged he was detained without justification because the officers detained him before checking his landlord's camera surveillance footage to ascertain whether or not there was merit to the report that he brandished a weapon. The officers denied the allegation and stated that since the complainant and the reportee were in the same building, special circumstances warranted they first locate and detain the complainant without unnecessary delay or exposure to officers and the reportee to an armed confrontation with the complainant for entering the building to review surveillance footage. For everyone's safety, the officers' supervisor ordered the officers to first establish a perimeter around the house to contact and detain the complainant in order to further the investigation in a safe environment to all parties involved. The complainant was detained after he voluntarily stepped outside his residence. The officers' actions were lawful and proper.

SUMMARY OF ALLEGATIONS #4-5: The officers displayed their weapons without justification.

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

FINDINGS OF FACT: The complainant stated his landlord called the police and made a false report that he had brandished a weapon at a surveillance camera outside his in law unit. The complainant alleged that after the officers knocked at his door and he was delayed in his response, two officers unnecessarily aimed their weapons at him when he opened the door. DGO 5.02 I. B. 2. allows an officer to draw or exhibit a firearm when the officer has reasonable cause to believe it may be necessary for his or her own safety or the safety of others. The officers denied the allegation and stated that based on the department training and the nature of this call they aimed their weapons in the location of the potential threat when the complainant opened the door until the threat subsided. The officers' actions were lawful and proper.

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SUMMARY OF ALLEGATIONS #6: The officer displayed his weapon without justification.

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

FINDINGS OF FACT: According to his girlfriend, the complainant alleged an Asian male officer who entered their bedroom during a protective sweep unnecessarily aimed his weapon at his girlfriend. DGO 5.02 I. B. 2. allows an officer to draw or exhibit a firearm when the officer has reasonable cause to believe it may be necessary for his or her own safety or the safety of others. The officer denied he aimed his sidearm at the complainant's girlfriend inside the bedroom. Another witness inside the residence could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged the officer handcuffed him without justification, because there was no merit to the landlord's report that he brandished a weapon. The officer stated he handcuffed the complainant based on the nature of the call after the complainant voluntarily stepped outside his residence. The officers on scene also stated they did not know whether the person detained was in fact the person who had allegedly brandished a gun so for everyone's safety the complainant was detained until a protective sweep of the premise could be conducted. The officer's actions were lawful and proper under the circumstances.

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SUMMARY OF ALLEGATIONS #8-9: The officers entered a residence without cause.

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

FINDINGS OF FACT: The complainant alleged two officers entered his residence without justification immediately after his detention, but he later gave them a written consent to search his residence. The officers denied the allegation and stated that based on the nature of the call and for everyone's safety, two officers entered to conduct a protective sweep of the premise immediately following the complainant's detention to look for anyone else inside with a gun or for a gun in plain sight. However, a witness inside the residence stated two officers conducted a more probative search in a bedroom. There is conflicting and insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #10-12: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant alleged several officers searched his residence before and after he signed the permission to search form, which he later alleged was signed under duress. There were conflicting statements among some officers about the timing of the written consent. A dependent witness on scene could neither prove nor disprove the allegations. There is insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATIONS #13-15: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that officers failed to properly investigate by failing to review the surveillance footage before detaining him. The officers denied the allegation, and stated that since the complainant and the reportee were in the same building, special circumstances warranted they first locate and detain the complainant without unnecessary delay or exposure to officers and the reportee to an armed confrontation with the complainant for entering the building to review surveillance footage. Three witnesses on scene could neither prove nor disprove the allegations. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #16-18: The officers failed to follow proper procedures for obtaining consent to search.

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

FINDINGS OF FACT: The complainant said he was asked and felt pressured to sign a permission to search form while detained in handcuffs after several officers had already conducted an initial search of his residence and found no weapon. The officers denied the allegation and stated the complainant freely and voluntarily signed a permission to search form before searching beyond a protective sweep and conduct more than a plain view search of the residence for a gun or a gunman. There were conflicting statements among some officers about the timing and manner in which they obtained the consent form to search the complainant's residence. A dependent witness on scene could neither prove nor disprove the allegations. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complainant alleged officers arrested her at her residence without probable cause. The complainant admitted the officer and she signed a consent to search form. The complainant admitted she had a stolen credit card in her possession. The officer denied the allegation. During a search of the complainant's bedroom, the officer found a stolen credit card in the complainant's purse. 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 made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant alleged the officer made inappropriate gestures and made sexually inappropriate comments to her. The complainant further alleged the officer displayed his firearm in an inappropriate manner. The officer denied the allegation. The officer stated he did not recall responding to the scene. A witness recalled the officer being at the scene, but denied the allegation. No other 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 used unnecessary force on a prisoner.

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

FINDINGS OF FACT: The complainant alleged an officer used unnecessary force on her boyfriend following his transport from the scene. The complainant stated her boyfriend had suffered facial injuries from a fight and had received a bloody nose. She said his nose had been bleeding intermittently until the time of his arrest. Officers had transported the complainant's boyfriend to a local police station. The complainant heard her boyfriend ask to go to the hospital. Some of the responding officers at the scene stated the complainant's boyfriend complained of pain at the station. The complainant's boyfriend was transported to a local hospital, where he was cleared. 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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SUMMARY OF ALLEGATION #1: The officers' issue parking tickets without cause.

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

FINDINGS OF FACT: The complainant stated that she has special permission to park in front of her home and that DPT has posted two signs in front of her house suggesting that parking is permitted, but that officers continue to issue parking citations. The captain stated that there is no documentation supporting the complainant's claims. The signage at the location is inconclusive and easily interpreted to mean there is no special parking provision for the complainant. There is insufficient evidence to prove or disprove that the tickets were intentionally issued erroneously.

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

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

FINDINGS OF FACT: The complainant stated that despite the signage and having a "letter" on the car dashboard, the same officers continue to issue citations after it has been brought to their attention. There is inconsistent evidence that the complainant has special parking privileges, that the signage is adequate, or that particular officers have repeatedly and knowingly issued invalid citations.

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

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

FINDINGS OF FACT: The officers were detailed to facilitate a sanctioned march and demonstration. The rally was permitted by the city of San Francisco and allowed to march along a designated route. The officers followed proper procedures in facilitating the safe movement of both pedestrians and vehicular traffic. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers' conduct and behavior were inappropriate.

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

FINDINGS OF FACT: The officers denied the allegation. They admitted having to raise their voices to direct traffic and having to use hand signals with motorists due to the loud demonstration, honking horns and wearing a helmet with interior stereo speakers. One officer said he eventually had to raise his voice in a stern manner toward the complainant who would not listen and yelled at the officer. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer failed to receive a citizen's complaint.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated the complainant was ambivalent and was not sure if he wanted to file a complaint. The officer said he presented numerous methods and locations to file a citizen's complaint and offered to take the complainant's complaint over the phone, though the complainant expressed uncertainty. 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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SUMMARY OF ALLEGATION #1: The officer issued a citation to the complainant without cause.

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

FINDINGS OF FACT: The San Francisco Police Department records indicate the officer responded to the incident involving the complainant based on a telephone complaint from a citizen who reported that a tow truck was initially parked in front of the caller's residence. The caller described unknown males congregating, dancing, drinking on top of and near the truck, and causing a disturbance. The complainant alleged he was exiting a party at a nearby nightclub when he saw that a tow truck owned by his employer was parked and disabled outside of the nightclub. The complainant alleged he climbed inside the truck and attempted to get it started, but could not. The officer arrived and approached the complainant while the complainant was sitting behind the steering wheel of the double-parked truck. The complainant said he told the officer that he did not drive the truck, and he did not drink any alcoholic beverages. The officer stated that the complainant exhibited signs of intoxication (i.e., slow to react to her presence, slurred speech, bloodshot eyes, failure to maintain eye contact, slow responses to questions asked and an odor of alcohol emanating from the complainant's breath). The officer stated the complainant told her that he (complainant) drove the truck to the location because a client needed a tow. The officer subsequently requested the assistance of a Department DUI specialist to administer field sobriety and alcohol screening tests. Based on the results of these tests the specialist administered to the complainant, the specialist concluded the complainant was intoxicated. The officer's actions were proper.

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

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

FINDINGS OF FACT: The officer, a DUI specialist, was called to the location of this incident based on the suspicions of another officer. The other officer suspected the complainant had been driving under the influence. The named officer subsequently administered field sobriety and alcohol screening tests to the complainant. Based on the results of these tests the specialist administered to the complainant, the specialist concluded the complainant was intoxicated and the officer arrested the complainant. The officer's actions were proper.

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

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

FINDINGS OF FACT: The evidence proved that the act by the member was justified by Departmental policy, however the OCC recommends a change in the particular policy.

SUMMARY OF ALLEGATION #2: The complainant alleged that an officer forged his signature on the San Francisco Police Department property receipt.

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

FINDINGS OF FACT: The complainant alleged he had more money than the amount stated on the San Francisco Police Department property receipt. He said an officer forged his signature. All of the officers interviewed 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 ALLEGATIONS #1-2: The officers detained the complainant.

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

FINDINGS OF FACT: The officers received a dispatched call of an assault and a person with a knife with a description of the suspect. The officers responded to the call and detained the complainant, who matched the description. The witness corroborated he called the police for assistance regarding the complainant, who was intoxicated, had argued and swung at his friend and had a knife 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 seized the property of the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated the complainant was detained, arrested and searched at the scene. The officer did not find a knife on the complainant and acknowledged there was no merit to a person with a knife and the altercation was a “verbal only” in the computer aided dispatch record. The witness stated he saw an officer remove a knife from the complainant from across the street. The witness officer corroborated the account of the named officer that a knife was not located on the complainant. The SFPD inmate property release report, signed by the complainant, corroborated a knife was not seized. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers denied the allegation. The complainant's property was processed at the district station. The complainant signed the property release report that the items were correct. The list of property on the release report did not include the alleged knife. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to provide his name and star number upon request.

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

FINDINGS OF FACT: The officer denied the allegation. He did not recall the complainant requesting his badge number nor did he provide that information to the complainant. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer used unnecessary force during the detention at the station.

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

FINDINGS OF FACT: The officer denied the allegation. While at the station, the complainant would not listen, comply or stand still during the booking search. The officer used academy-trained techniques to conduct a search and to control the complainant. He placed his hand on the complainant's collar to control his movements. When the complainant continued to turn and face him, he applied pressure to the handcuffs to gain pain compliance and control the complainant during the search. At that point, the complainant started thrashing his head back and forth, so he grabbed his collar to prevent the complainant from striking his own head and to control the complainant. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer used unnecessary force by tightening the handcuffs.

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

FINDINGS OF FACT: The officer denied the allegation. During the booking process the complainant failed to comply with the officer. He used an academy-trained technique by applying pressure to the handcuffs for pain compliance and was able to control the complainant to conduct the booking search. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated he detained the complainant, limo driver, for operating without an airport permit. The complainant failed to respond to contact attempts. The complainant did not state in his complaint that he was in possession of a permit and did not complain about being cited. The officer had the discretion to detain the complainant and conduct an investigation. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant stated the officer was initially "very loud and very aggressive" but did not elaborate. He did not respond to contact attempts. The complainant stated the officer's inappropriate behavior occurred before other officers arrived at the scene. The officer denied the allegation and stated he spoke to the complainant in a normal tone of voice. There were no witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he should not have been detained. The officers said they observed the complainant drive his vehicle and make an unsafe turning movement in violation of California Vehicle Code 22107. The officers had reasonable suspicion to detain the complainant, because the officers smelled marijuana emanating from the complainant's vehicle. The witness did not provide a statement. The evidence proved that the acts, which provided the basis for the allegations occurred, however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated he should not have been arrested, because the narcotics found in his car were not his. The officers stated a search of complainant's vehicle revealed suspected narcotics that were seized as evidence. The officers said the complainant was arrested for possession of narcotics in violation of 11351 Health and Safety-Drug possession for sale. The witness did not provide a statement. 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 ALLEGATIONS #5-6: The officers failed to comply with DGO 1.03.

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

FINDINGS OF FACT: The complainant stated the officers in the traffic stop were out of their patrol area. The complainant said he was at a specific location in contrast to the officer's version in the report. The officers denied the allegation and stated they were patrolling within their assigned area or sector. San Francisco Police Department documents revealed officers advised dispatch their location regarding the traffic stop. Per Department General Orders 1.03, the officers are allowed to leave their assigned area in the performance of proper police duty, if in fact they did leave their assigned area as alleged. The witness did not provide a statement. There is insufficient evidence to prove or disprove allegations.

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

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

FINDINGS OF FACT: The complainant stated his vehicle should not have been searched. The officer said he observed complainant's vehicle make an unsafe turning movement in violation of California Vehicle Code 22107. The officer contacted the complainant and smelled marijuana emanating from the vehicle. The officer said there was probable cause to conduct a vehicle search of the complainant's car. The officer seized suspected narcotics from the complainant's vehicle. The witness did not provide a statement. 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 #8: The officer planted drugs in the complainant's vehicle.

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

FINDINGS OF FACT: The complainant stated the officer planted drugs in his vehicle. The officer denied the allegation. The officer said he located and seized suspected narcotics from the complainant's vehicle. The witness did not provide a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #9: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated the officer did not document the marijuana seized at the scene during the traffic stop. The officer denied the allegation and said the complainant's seized marijuana was documented on the incident report. San Francisco Police Department documents revealed the documented seizure of marijuana during the incident. The witness did not provide a statement. The evidence proved that the acts alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #10: The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer slammed his hand on a window at a residence and became hostile and threatening. The officer denied the allegation. The witness did not provide a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he disagreed with the officer's account of where the officer saw him and where he was stopped. The officer denied the allegation. San Francisco Police Department documents revealed the officers reported their positions regarding their traffic stop with the complainant. The witness did not provide a statement. 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: 03/02/11 **DATE OF COMPLETION:** 12/15/11 **PAGE#** 5 of 5

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

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

FINDINGS OF FACT: The complainant said officers seized narcotics from his vehicle and failed to place a hold on his car. The officer stated there was no hold placed or needed on the complainant's vehicle because no further narcotics were found at the station. The witness did not provide a statement. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/09/11 **DATE OF COMPLETION:** 12/22/11 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The officer denied the allegation. The supervising officer had reasonable cause to believe a crime was taking place based on personal knowledge. Due to his personal involvement, the officer requested a supervisor and an officer to respond for assistance. He followed proper procedures by preparing a memorandum to his captain. An uninvolved officer prepared an incident report and the case was assigned to the appropriate unit for further investigation. The officer notified his on-duty supervisor of the incident. The witness's declaration refuted the allegations. The evidence proved that the acts, which provided the basis for the allegations occurred, however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/10/11 **DATE OF COMPLETION:** 12/15/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said the officer was disrespectful and referred to her as a "girl." The complainant further stated she felt the officer was threatening toward her, and he said she was scared. The officer denied the allegation. The witnesses did not provide their statements. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer used profanity toward the complainant.

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

FINDINGS OF FACT: The complainant said the officer used profanity when he spoke to her. The officer denied the allegation. The witnesses did not provide their statements. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/10/11 **DATE OF COMPLETION:** 12/15/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer engaged in biased policing.

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

FINDINGS OF FACT: The complainant stated the officer singled her out from a large crowd of onlookers. The officer denied the allegation. The officer stated she was the closest bystander next to him and asked if she would like to be a witness to the incident. The officer said he asked other bystanders if they wanted to be witnesses too. The witnesses did not provide their statements. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/14/11 **DATE OF COMPLETION:** 12/14/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer told her that if she pressed charges against her assailant, the charges “wouldn’t stick.” The officer denied the allegation. He stated he asked her if she wanted to press charges and she said no. He then asked her if she wanted medical attention and she said no. The complainant’s husband stated the officer told him that he seemed more concerned about the suspect than the complainant. He basically told the complainant’s husband that it “wouldn’t matter” if they pressed charges, it wouldn’t go anywhere because the man was mentally ill. The complainant’s husband stated he and his wife weren’t concerned about that at the time, they were concerned about their kids. The officer offered to call an ambulance but they declined. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged she was not provided an Incident Report in a timely manner. The officer stated he prepared an incident report on the day the incident occurred but failed to enter his electronic signature, which prevented the report from entering the Department’s database. The investigation revealed the officer failed to follow the requirements outlined in the San Francisco Police Department’s Report Writing Manual. The allegation was sustained.

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DATE OF COMPLAINT: 03/18/11 **DATE OF COMPLETION:** 12/21/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the incident report was not accurate. The complainant said she was not at fault for the traffic accident. The complainant stated the report had her vehicle going straight in her lane and not attempting a right turn. The complainant further stated the officers failed to question her about the traffic collision. The officer denied the allegation. The reporting officer stated he completed a traffic collision investigation and interviewed the drivers and witnesses at the scene. The witnesses said the complainant drove her vehicle into the other vehicle as they both made a turn. The witnesses stated the officers interviewed everyone on scene. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officers were not professional and attempted to have her admit fault to the traffic accident. The complainant stated one of the officers yelled and accused her of being at fault for the traffic collision. The complainant stated another officer said he would help her, but he did not. The officers denied the allegation. The officers said the complainant was upset and the reporting officer conducted a collision investigation based on the physical evidence, position of the vehicles, vehicle damages, and driver's and witness statements at the scene. One of the witnesses said the officers were ok while another witness stated the complainant yelled at the other driver and officers. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/23/11 **DATE OF COMPLETION:** 12/08/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested information or evidence that was requested by OCC.

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested information or evidence that was requested by OCC.

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DATE OF COMPLAINT: 03/23/11 **DATE OF COMPLETION:** 12/08/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4-5: The officers behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information or evidence that was requested by OCC.

SUMMARY OF ALLEGATION #6: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant failed to provide additional information or evidence that was requested by OCC.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/11 **DATE OF COMPLETION:** 12/05/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was identified as a robbery suspect. The officer responded to a dispatched call regarding a robbery suspect that was sighted by the victim. The officer stated the victim directed and identified the complainant as the suspect. The victim completed a Citizen's Arrest form against the complainant. 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 engaged in biased policing.

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

FINDINGS OF FACT: The complainant stated the officer targeted him, because of his ethnicity. The officer responded to a broadcast that a robbery suspect was sighted in the area. The victim identified the complainant as the suspect and completed a Citizen's Arrest form against the complainant. The officer was interviewed relative to the OCC's biased policing protocol. 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: 03/25/11 **DATE OF COMPLETION:** 12/05/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3-5: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the arresting officers behaved inappropriately by making false charges against him and conducting multiple searches on him. The officers denied the allegation. The officers stated the complainant was identified as a suspect in an attempted robbery, arrested at the scene, and transported to the station for booking. There is insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/29/11 **DATE OF COMPLETION:** 12/14/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant told the OCC that the officer cited him for having no proof of insurance even though the complainant showed the officer his proof of insurance. The officer denied the allegation and said that the complainant was unable to provide sufficient proof of insurance. The complainant was, therefore, cited. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/29/11 **DATE OF COMPLETION:** 12/23/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer used excessive force during his arrest. The officer admitted to using force because the complainant was resisting arrest, but stated the force was necessary and not excessive. A use of force investigation was conducted and the use of force was deemed to be appropriate for the situation. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer 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. The officer denied the allegation. There are 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: 03/29/11 **DATE OF COMPLETION:** 12/23/11 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer arrested him without cause. The officer stated he approached the complainant because he was next to an open container of alcohol, and because he had knowledge of the complainant having outstanding warrants for his arrest. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer issued him a citation without cause. The named officer mistakenly denied issuing the citation to the complainant but his signature was on the issued citation. The arresting officer admitted to advising the named officer to issue the citation to the complainant as the complainant was being released from the hospital and not the district station. The arresting officer was not at the hospital and was not able to issue the citation himself. There are no independent witnesses to this event. There is insufficient evidence to either prove or disprove the allegation that the citation was issued without cause.

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DATE OF COMPLAINT: 03/31/11 **DATE OF COMPLETION:** 12/23/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said he rode for half an hour in an inbound Muni line with a valid bus transfer, denied resisting arrest or trying to bite an officer. The officer denied the allegation and said the driver confirmed the complainant evaded to pay his fare. The officer also stated the complainant resisted the arrest, and tried to bite an officer. One dependent witness confirmed the fare evasion violation and four other witnesses could not do so. All witnesses verified the complainant resisted the arrest, but only the named officer and victim officer stated the complainant tried to bite an officer. Neither the coach number nor the driver were identified. There was no MTA video to obtain as the coach was not identified, and the officers did not identify any additional witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-4: The officers used excessive force during the arrest.

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

FINDINGS OF FACT: The complaint said the officers threw him down to the sidewalk, kneed him repeatedly on the face, and pushed his face against a fence after he was in custody. The officers denied the allegation and stated the complainant refused to provide identification, resisted arrest, and tried to bite an officer. Two dependent witnesses could not verify or denied the allegation. Medical screening records from a police station and County Jail did not support the complainant's contention that he sustained any injury. There were no independent witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/31/11 **DATE OF COMPLETION:** 12/23/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-8: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant said he asked officers for their names and star numbers, and the officers ignored his request. Three officers denied the allegation or could not recall whether the complainant asked for their names and star numbers. Two dependent witnesses could not verify or deny the allegation. There were no other witness to either prove or disprove the allegation. 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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DATE OF COMPLAINT: 04/04/11 **DATE OF COMPLETION:** 12/28/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer left his loaded firearm, handcuffs, and extra magazine clip in a hotel room safe. The officer admitted to leaving his department issued equipment in his hotel room safe after he checked out of the hotel, however the officer stated he had just come back to work after being off for approximately ten months and was not used to carrying his department issued equipment with him. All witness officers interviewed stated the officer lost custody, care, and control of his department issued equipment when he left them behind at the hotel. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant stated the officer mishandled the equipment when he came to the hotel to pick it up. The officer denied the allegation. There are no independent witnesses to this incident; however, video surveillance did not show any mishandling of the equipment. The evidence proved that the acts alleged in the complaint did not occur.

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DATE OF COMPLAINT: 04/04/11 **DATE OF COMPLETION:** 12/23/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant accused the officer of colluding with park district officials and other police officers by wrongfully ordering the complainant off of park district property on two occasions. The complainant alleged the officer wrongfully informed him that he would be arrested if he failed to heed the warning. The complainant argued that he had a legitimate right to use park district property, and the officer did not have a valid reason to prevent him from using the facilities. The officer could not remember details of these incidents, other than remembering he talked to the complainant. The officer stated he spoke to a police supervisor who was familiar with the incidents, and the supervisor advised the officer about the details. Other witnesses were developed who described the incident, which involved a misunderstanding over the use of a tennis court. These witnesses pointed out that the complainant violated park policy rules and procedures as well as local ordinances during these two incidents. Witnesses described the complainant's behavior as hostile, threatening and out of control. They further described the complainant was loud, obnoxious, verbally abusive and demeaning to the officers who were summoned to intervene during this incident, other park guests and park district employees. One witness stated the officers would have been well within their authority to arrest the complainant right there on the spot, but instead these officers allowed the complainant to leave on his own free will by giving the complainant a warning. The evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/05/11 **DATE OF COMPLETION:** 12/12/11 **PAGE #1** of 4

SUMMARY OF ALLEGATION #1: The officer failed to provide identification upon request.

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

FINDINGS OF FACT: The complainant stated when he asked for some officers' badge numbers, he was tackled from behind. He could not describe the officers. The complainant filed this complaint two years after the incident. The only available witness stated he did not recall the complainant. Two officers who had contact with the complainant stated that they were not asked for identification. There was no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant acknowledged refusing orders to leave an illegal party. He also acknowledged interfering with an arrest. The named officer and another officer stated the complainant also resisted arrest. The officer's conduct was proper.

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DATE OF COMPLAINT: 04/05/11 **DATE OF COMPLETION:** 12/12/11 **PAGE #2** of 4

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

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

FINDINGS OF FACT: The complainant stated an officer grabbed his hair and smashed his face on the ground. He denied resisting arrest. Two officers stated the complainant resisted arrest by trying to "shake off" the officers and refusing to place his hands behind his back. The officers stated they grabbed the complainant's arms and pushed him forward to the carpeted floor. They both stated the complainant did not complain of pain and had no visible injuries. Both officers stated the building where the complainant was arrested was very dimly lit. One officer stated when he returned to the station, he was informed that the complainant had a swollen eye. He stated he took photos of the injury but these photos were no longer in evidence two years after the incident. In the incident report, one officer stated the complainant may have incurred the swollen eye when he was taken to the ground. In his OCC interview, the officer further stated that the complainant told officers he had been injured in a bicycle accident before his arrest.

The other officer stated he conducted a bar arm takedown with the complainant's right arm and guided the complainant to the floor. He did not recall the complainant hitting his face on the floor. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer threatened the complainant.

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

FINDINGS OF FACT: The officer denied threatening the complainant. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 04/05/11 **DATE OF COMPLETION:** 12/12/11 **PAGE #3** of 4

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to properly log the use of force.

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

FINDINGS OF FACT: The officer stated when he returned to the station following the complainant's arrest, he was informed that the complainant had a swollen eye. The officer stated he didn't know how the complainant sustained a swollen eye. The officer stated the complainant told him he had been in a bicycle accident earlier that night. The officer stated he informed the sergeant on duty that he did not think it was related to the force used to take him into custody because the complainant never complained of being injured during or after his arrest. The officer stated he believed he did not need to follow the reporting requirements outlined in DGO 5.01 because "The injuries have to be clearly from the use of force by the officers." However, in his report, the officer stated the complainant's injury "may have come when [the complainant] was forced to the ground."

The sergeant on duty stated the officer notified him of the complainant's swollen eye and told him that he didn't think it was incurred during his arrest. The officer told the sergeant that the complainant said he had been in a bicycle accident prior to his arrest.

Section N. of Department General Order 5.01 states that an officer must report physical control when the person is injured or claims to be injured. The officer also must 1) immediately notify his supervisor and 2) include in the report the identity of his supervisor and time notified.

The officer stated he notified the sergeant of the complainant's swollen eye, but he failed to include this notification in his report. He also failed to include the identity of the sergeant and the time notified. The allegation is sustained.

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DATE OF COMPLAINT: 04/05/11 **DATE OF COMPLETION:** 12/12/11 **PAGE #4** of 4

SUMMARY OF OCC ADDED ALLEGATION #2: The member failed to properly supervise.

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

FINDINGS OF FACT: The supervisor approved an incident report, even though the reporting officer failed to follow DGO 5.01 reporting requirements. The supervisor was informed that the complainant suffered injuries but did not make an entry into the Use of Force Log. The supervisor stated that he did not do so because the arresting officer told him that the complainant may have incurred the injury in a bicycle accident prior to his arrest.

DGO 5.01 N.3.f. states that a supervisor shall:

Record the incident in the Use of Force Log. The supervisor who is notified of the reportable use of force is responsible for recording the incident in the Use of Force Log.

The supervisor failed to follow the reporting requirements outlined in DGO 5.01. The allegation is sustainable.

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DATE OF COMPLAINT: 04/06/11 **DATE OF COMPLETION:** 12/23/11 **PAGE #1** of 1

SUMMARY OF ALLEGATIONS #1-2: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officers threatened to arrest her and take everyone inside the house to jail if she did not let them search her home. The officers denied the allegation. One witness stated that he was not present when the conversation to sign the permission to search took place because the complainant was outside while he remained inside. The other witnesses did not come forward. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The officers stated they obtained signed permission to enter and search the residence. The complainant did sign consent to search, but she said she did so under duress. One witness stated that he was not present when the conversation to sign the permission to search took place because the complainant was outside while he remained inside. The other witnesses did not come forward. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the police did nothing when his landlord struck him. The officers denied the allegation stating the complainant refused to sign a private persons arrest. The complainant did not come forward for an interview and did not provide needed information. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant states in his written complaint that the officers did nothing to document the October 25, 2010 incident. The complainant did not respond to Office of Citizen Complaints requests for an interview. The OCC investigation revealed that the officers prepared an incident report for the October 25, 2010 incident. The investigation showed that the act as alleged did not occur.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/04/11 **DATE OF COMPLETION:** 12/07/11 **PAGE #** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers engaged in selective enforcement against the complainant.

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

FINDINGS OF FACT: The officers denied the allegation. The officers observed the complainant violating a health code and a health and safety code within a park of San Francisco. The complainant acknowledged he smoked marijuana in a pipe while sitting in the park. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS # 3-4: The officer's pat searched the complainant.

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

FINDINGS OF FACT: The officers denied the allegation. The officers observed the complainant smoking from a pipe and smelled suspected burning marijuana upon their contact with the complainant. The officers recovered the pipe at the scene. It was lawful for the officers to pat search the complainant based on their observations, evidence and witness statements. The complainant acknowledged he smoked marijuana in a pipe while sitting in the park. 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: 04/04/11 **DATE OF COMPLETION:** 12/07/11 **PAGE # 2 of 3**

SUMMARY OF ALLEGATION #5: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The officer denied the allegation. The complainant failed to present identification, violated a health code in a park, was observed smoking marijuana and resisted and delayed the officers investigation. The assisting officer corroborated the account of the named officer. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated the complainant was aggravated, walking away and towards the officer with his arms flailing, yelling and using profanity towards the officer. When the officer advised the complainant he was under arrest, the complainant made an aggressive move toward the officer and a scuffle ensued. The officer wrestled with the complainant while trying to get his hands behind his back. The assisting officer corroborated the account of the named officer and assisted the officer to restrain the complainant while he was handcuffed. The force used was necessary to control and contain the complainant, as he displayed irrational movements and behavior towards the officer. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/04/11 **DATE OF COMPLETION:** 12/07/11 **PAGE #** 3 of 3

SUMMARY OF ALLEGATION #7: The officer filed false charges against the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. He observed the violations charged of the complainant and recovered evidence. The complainant resisted and delayed the investigation, which resulted in an additional penal code charges. The complainant admitted he smoked marijuana in a pipe while sitting in the park. No other witnesses came forward. 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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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/07/11 **DATE OF COMPLETION:** 12/22/11 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated that he remained calm and his speech and demeanor were professional. The officer stated he could not discuss the vehicle code section with the complainant due to her inappropriate verbal behavior. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to maintain required knowledge

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

FINDINGS OF FACT: The officer cited the accurate and appropriate vehicle code section to the complainant while explaining the primary collision factor and the associated factor of the traffic collision. 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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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/11 **DATE OF COMPLETION:** 12/20/11 **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 in her written complaint that an officer behaved inappropriate towards her. The complainant did not respond to OCC's request for an interview. The incident in question could not be located, and the identity of the alleged officer was not established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/11 **DATE OF COMPLETION:** 12/07/11 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The complainant alleged officers intentionally damaged her door during the execution of a search warrant.

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

FINDINGS OF FACT: The complainant stated the officers failed to perform knock and notice, and improperly broke into her house during the execution of a search warrant. The officer stated he was advised to ram the complainant's door by a superior officer. The officer breached the complainant's door with a battering ram and damaged her door as a result. No independent witnesses came forward to prove or disprove that the officer failed to perform knock notice. There is insufficient evidence to prove the allegation.

SUMMARY OF ALLEGATION #2: The officer entered and searched the complainant's residence without probable cause.

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

FINDINGS OF FACT: The officer procured a search warrant prior to searching the complainant's residence. He signed an affidavit that included a statement of facts regarding probable cause to search the complainant's residence under penalty of perjury. A San Francisco Superior Court Judge authorized the search. The complainant also has a search condition that permits officers to enter her residence and search it at any time. 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: 04/13/11 **DATE OF COMPLETION:** 12/07/11 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant alleged the officer failed to knock and announce prior to entering her residence. The officer denied the allegation. A witness officer stated the named officer gave knock and notice before the residence was entered. No independent witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant alleged the officer misrepresented the truth in his search warrant affidavit Statement of Facts. The officer made certain statements regarding a Confidential Reliable Informant that the OCC could not independently verify. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/13/11 **DATE OF COMPLETION:** 12/07/11 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant alleged the officer misstated certain facts contained in the report. The officer denied the allegation. No independent 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:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/14/11 **DATE OF COMPLETION:** 12/28/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was driving downtown when he noticed a FedEx driver honking at him. The complainant stated the FedEx driver then cut him off. The complainant stated the FedEx driver exited his vehicle, approached the complainant's passenger side window and started pounding on the window. The complainant stated he saw the officer nearby and approached him, telling the officer that he wanted to press charges against the FedEx driver. The complainant alleged that the named member allowed the FedEx driver to leave without taking any action. On the date in question, the officer was on a "10-B" assignment. The officer admitted being asked to make the arrest. However, the officer stated that the FedEx driver drove off before the officer had the opportunity to call for another unit to handle the incident. Department General Order (DGO) 2.01 Section 25, ON-DUTY WRITTEN REPORTS, mandates officers to make all required written reports of crimes or incidents requiring police attention. Additionally, DGO 5.04, ARRESTS BY PRIVATE PERSONS, mandates officers to prepare an incident report in all instances involving request for a private person's arrest. A preponderance of evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/19/11 **DATE OF COMPLETION:** 12/20/11 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer towed the complainant's motorcycle without justification.

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

FINDINGS OF FACT: The complainant stated that his motorcycle was on private property when it was towed. The officer wrote in his report that the complainant's motorcycle displayed a license plate that did not belong to the motorcycle. In addition, the officer wrote in his report that the registration on the complainant's motorcycle had expired in March 2006. The complainant admitted having the wrong plate on his motorcycle. The complainant told the OCC that he had just purchased the motorcycle and did not bother registering it. The complainant's motorcycle was towed pursuant to Department General Order 9.01, VEHICLE TOWS. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was lawful, justified and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/26/11 **DATE OF COMPLETION:** 12/15/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer prolonged the detention without justification.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated the approximate time of the detention was fifteen minutes from their arrival time. The witness corroborated the named officer's account of the time of the detention. Based on the type of emergency call to the complainant's residence, the detention time was reasonable. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer denied the allegation. During his investigation, the complainant would not follow his request to stay still and to stop moving around the house. For their safety, he stood in front of the complainant and used his body to stop her from moving around the house. When the complainant moved to the couch he placed his hands on her shoulder to push her down to sit on the couch. A sergeant responded to the scene, investigated the allegation of force and found the force used by the named officer was not reportable. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. He explained that considering the 911 call and hang up from their residence it was imperative the officers know what had transpired between the mother and son and would not leave until the officers could insure that all parties were safe and no crime had been committed. There were no independent witnesses. 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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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/14/11 **DATE OF COMPLETION:** 12/08/11 **PAGE # 1 of 2**

SUMMARY OF ALLEGATION #1: The officer failed to receive a citizen's arrest.

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

FINDINGS OF FACT: The officer denied the allegation. Based on the facts and statements gathered at the scene and the actions of both parties, the officer determined there were insufficient grounds to arrest the witness and there was no evidence that a crime had occurred. The assisting officers corroborated the account of the officer. The witness stated the complainant has repeatedly filed false allegations against him, due to complainant's jealousy over a woman. DGO 5.04 allows officers to refuse to make a citizen's arrest if reasonable suspicion does not exist. The request for the citizen arrest is in dispute, hence there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to write an incident report.

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

FINDINGS OF FACT: The officer denied the allegation. An incident report was not written because their investigation determined a crime had not occurred and the complainant did not want any further police action. The request for the citizen arrest is in dispute hence there is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/14/11 **DATE OF COMPLETION:** 12/08/11 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer practiced selective enforcement during the investigation.

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

FINDINGS OF FACT: The officer denied the allegation. He recognized the witness as a frequent customer of a local establishment, however, did not personally know the witness. The witness was interviewed by the police during this interaction and stated the complainant's allegations of assault were without merit. An assisting officer stated the officer did not express favoritism toward the witness. The witness said the officers were just doing their job and he could not identify the officers. There was no evidence of an established relationship between the witness and the officer. The witness was released for lack of reasonable suspicion. 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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DATE OF COMPLAINT: 04/27/11 **DATE OF COMPLETION:** 12/23/11 **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's motorcycle collided with a vehicle that made a left turn in front of it. The complainant stated that the officer who responded to investigate and who wrote the collision report cited him without cause for speeding and for failing to stop at a red light. The named officer's report states that he concluded that the complainant was driving too fast for conditions because of a skid mark left by the complainant's motorcycle and because the complainant stated that he was driving five miles over the speed limit. The named officer stated that he concluded that the complainant failed to stop at a red light based on the statement of the other driver who said he had a green left turn signal when he moved into the intersection. He also based it on the statement of a witness driver on an adjoining street concerning the color of the traffic light he was facing and on observations of the timing of the traffic lights at this intersection. A check of the timing of the traffic signals at this intersection indicated that their timing closely matched that described by the named officer. The named officer stated that he did not analyze the pre-collision skid mark because he is not yet trained in skid analysis. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer wrote an inaccurate collision report placing him at fault. The named officer stated that he wrote the report based on his observations of the scene and the damage to the vehicle the complainant collided with, on his interview with the driver of that vehicle and on statements taken by one officer and on a diagram prepared by another officer. The named officer stated that he also timed the traffic signals at the intersection. The named officer stated that he concluded the complainant was driving too fast for conditions because the complainant admitted driving five miles over the speed limit and because of pre-collision skid mark from the complainant's vehicle. The named officer stated that he concluded that the complainant failed to stop at a red light based on the statement of the other driver who said he had a green left turn signal when he moved into the intersection. He also based it on the statement of a witness driver on an adjoining street concerning the color of the traffic light he was facing and on observations of the timing of the traffic lights at this intersection. The named officer therefore concluded that the vehicle the complainant collided with was making a legal left turn at the time of the collision and that the complainant was at fault for the collision. A check of the timing of the traffic signals at this intersection indicated that their timing closely matched that described by the named officer. The named officer stated that he did not analyze the pre-collision skid mark because he is not yet trained in skid analysis. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 05/02/11 **DATE OF COMPLETION:** 12/22/11 **PAGE #1 of 2**

SUMMARY OF ALLEGATIONS #1-2: 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 December 13, 2011.

SUMMARY OF ALLEGATIONS #3-4: 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 December 13, 2011.

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DATE OF COMPLAINT: 05/02/11 **DATE OF COMPLETION:** 12/22/11 **PAGE #2 of 2**

SUMMARY OF ALLEGATIONS #4-5: The officer failed to follow traffic laws.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 13, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated officers used unnecessary force when taking him into custody and placing him in the back of a patrol vehicle. The witnesses were at the scene of the incident but did not see the entire incident take place. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #3: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant admitted to the OCC that he had taken an item that did not belong to him and that he was convicted of theft. The officer explained to the OCC that he had direct evidence that a crime had been committed, and therefore had reasonable suspicion to detain the complainant for further investigation. He heard the victim screaming that the complainant had stolen her purse, saw her running after the complainant and properly detained the complainant. The witnesses confirmed this. 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 used profanity

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

FINDINGS OF FACT: The complainant stated the officer used profanity while he was being taken into custody. The officer denied the allegation. The witnesses did not hear the entire incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated an officer touched him in an inappropriate manner while he was in the holding area of a police station, allegedly preventing him from breathing. The officer denied the allegation. The officer was the assigned station keeper, and responsible for the medical screening of the complainant. The officer found the complainant unresponsive. When she called out his name, he failed to answer her. The officer began a police academy protocol in order to assess the complainant's breathing and pulse. She placed her hand under the complainant's nose to check his breathing. She placed her fingers on the complainant's carotid artery to check for a pulse. 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: 05/05/11 **DATE OF COMPLETION:** 12/27/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer issued him a citation without cause for having his child not properly restrained in a moving vehicle. The complainant stated that his child was properly restrained at all times. The officer stated that he observed the complainant's child standing inside the moving vehicle and issued the complainant a citation for not having his child/passenger properly restrained. The officer stated that when he approached the vehicle he observed the complainant apparently restraining his child before the officer reached the vehicle. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer made inappropriate and threatening comments to him. The officer denied the allegation. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with DGO 9.01. A.

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

FINDINGS OF FACT: The officer denied the allegation and stated that his initial intention was to advise the complainant of his unlawful actions if the complainant admitted that he had not properly restrained his child. The officer said that once a person admits fault, he normally advises the person not to let it happen again. In this contact, the officer stated that the complainant's demeanor during the contact had nothing to do with having the citation issued. 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 ALLEGATIONS #1-2: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged that the officers detained him without justification. The officers stated that the complainant was in the lane of traffic and refused to get back to the curb. The officers stated they contacted the complainant and later determined that he was under the influence of alcohol. The officers stated they arrested the complainant and transported him to the County Jail. The evidence shows that the complainant was under the influence of unknown substance, supported by medical records. 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 #3: The officer detained the complainant at gunpoint.

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

FINDINGS OF FACT: The complainant stated that during the initial contact one of the officers detained him at gunpoint. The officer was never identified. The officers that were questioned denied detaining the complainant at gunpoint. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officers arrested him without cause. The complainant stated the officers wanted to take him “downtown” because of his attitude. The officers stated they determined the complainant to be under the influence of alcohol, so they arrested him for 647F PC violation. As discussed above, the evidence shows that the complainant was under the influence of unknown substance. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful and proper.

SUMMARY OF ALLEGATIONS #6-8: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged that the officers used unnecessary force. The officers denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/10/11 **DATE OF COMPLETION:** 12/14/11 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #9-10: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officers behaved inappropriately. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officers failed to observe traffic laws and regulations.

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

FINDINGS OF FACT: As stated above, the complainant said the officer driving the vehicle entered a one-way street in driving to the County Jail. The officer denied the allegation. The officer's partner stated that when they came across the complainant, they were responding to an incident that required them to go down the opposite lane of traffic on the unit block of Turk Street. This officer said that after placing the complainant in their patrol vehicle, they then turned around and drove towards the County Jail. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/06/11 **DATE OF COMPLETION:** 12/20/11 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested information or evidence that was requested by the OCC.

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested information or evidence that was requested by the OCC.

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SUMMARY OF ALLEGATION #2: The officer exhibited threatening or abusive behavior.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information or evidence that was requested by the OCC.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged that the officers detained her without justification. There is no dispute that the complainant's vehicle made a right turn without stopping at a stop sign and blocked a pedestrian crosswalk, which was past the limit line and where the stop sign was located. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleged that the officers used unnecessary force. The complainant's companion corroborated her statement. The officers stated that they used a bar arm technique in physically restraining the complainant. There was evidence showing that the complainant resisted while being restrained. No other independent witness came forward. The evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The complainant alleged that the officer placed her in tight handcuffs. The officer stated that she checked the handcuffs' degree of tightness. The officer further stated that the complainant made no complaint that her handcuffs were tight. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged that the officers behaved inappropriately and/or made inappropriate comments. The officers denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The evidence shows that the driver of the vehicle had a suspended license. 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 #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/16/11 **DATE OF COMPLETION:** 12/15/11 **PAGE#**1 of 1

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

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

FINDINGS OF FACT: The complainant's car was stolen. She alleged a station duty officer refused to take the report of her stolen vehicle in a timely fashion, stating it took two visits before he would accept her counter report. The officer denied the allegation. A subject matter expert stated that the officer acted within the scope of his employment, given the exceptional demands on the SFPD on the day of the incident complained of. However, the same subject matter expert also said that the customer service rendered by the SFPD could have been better. 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: 05/17/11 **DATE OF COMPLETION:** 12/07/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said the officer used unnecessary force during the arrest and that when he complained of pain the officer made no attempt to reduce the pain he was inflicting on him. The officer said he used a bent wristlock while escorting the complainant to the station because the complainant was resisting him. Witness officers said the named member used a pain compliance control hold because the complainant was resistant. The officers either denied or did not recall complaints of pain. The complainant was booked into county jail. Upon his release from jail he received treatment at SFGH. SFGH Patient Report documents no evidence of acute fracture, alignment abnormality or tissue swelling to wrist. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant said when he was released from jail certain items of property were missing. Property forms do not document that the items were obtained from the complainant. One Property Inventory form documents that the complainant refused to sign. The complainant said he did receive a reimbursement check from the County Sheriffs office for his booked money. The named member and witness officers denied any knowledge regarding the complainant's missing possessions. There is no documentation that the items in question existed at the time of his arrest. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 05/17/11 **DATE OF COMPLETION:** 12/07/11 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant said sometime around the end of 2010 the officer approached him in the park and threatened him. The officer denied threatening the complainant. There were no other identified witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/11 **DATE OF COMPLETION:** 12/15/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainants wrote that they were sitting on a bench when the officer told them to leave. The officer denied the allegation and said that the complainants agreed to voluntarily leave the area. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainants wrote the officer called them “losers, drug addicts, takers, smart asses” and referred to them as a sub-class people. The officer denied the allegation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 05/19/11 **DATE OF COMPLETION:** 12/15/11 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainants wrote they requested the officer's star number but the officer refused to provide his information. The officer denied the allegation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/31/11 **DATE OF COMPLETION:** 12/23/11 **PAGE #1** of 3

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

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

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

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

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

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

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DATE OF COMPLAINT: 05/31/11 **DATE OF COMPLETION:** 12/23/11 **PAGE #2** of 3

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

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

FINDINGS OF FACT: The complainant said the officer added an inaccurate notation to the citation, suggesting that the complainant and his friend were engaged in prostitution. The named officer denied the allegation, stating that he had added the note to remind himself of his assignment that night, for future reference. No witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer engaged in biased policing.

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

FINDINGS OF FACT: The complainant alleged the officer's demeanor, and the fact that he put the code section for prostitution on a citation for a traffic violation indicated bias, based on the different races of he and his passenger. The named officer denied the allegation, stating that he did not know the race of the car's occupants when he detained them. He said his note on the citation was a reminder as to his assignment on the night in question. No witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/31/11 **DATE OF COMPLETION:** 12/23/11 **PAGE #3 of 3**

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to document a traffic stop as required.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he had entered the traffic stop data on this traffic stop as he does every day he patrols. Department records contained no evidence that the officer documented the traffic stop. A preponderance of the evidence proved that the conduct complained of did occur and, using as a standard the Department regulations, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/01/11 **DATE OF COMPLETION:** 12/22/11 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant said a tenant threatened her, but when she asked for a police report, the officers ignored her request. The officers denied the allegation and stated that, after speaking with all parties involved, they determined based on their own observations, that the complainant had locked herself out her own bedroom. None of the witnesses on scene responded to OCC requests for an interview. 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: 06/09/11 **DATE OF COMPLETION:** 12/30/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer admitted to making one of the comments complained of and engaging in the complained of behavior. The officer did not recall making one of the other alleged comments. SFPD Field Operations Bureau General Order 03-10 instructs, "All officers responding to calls for service that are civil in nature, shall not provide any service that would give either side the impression that the SFPD is anything but neutral in the matter." The comments and behavior of the officer gave the complainant the impression the officer was not impartial. The behavior of the officer does not rise to the level of misconduct. Witnesses either denied hearing or did not recall hearing one of the alleged inappropriate comments and did not corroborate the complainant's recollection of other comments. The witnesses were complementary of the named members behavior during the incident. There were no other available witnesses. 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: 06/16/11 **DATE OF COMPLETION:** 12/01/11 **PAGE #1** of 2

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 said he should not have been detained as “gravely disabled.” The named officers denied the allegations. Medical records indicated a physician said the detention “concerne(ed)” him but acknowledged the complainant could be held as gravely disabled. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers transported a complainant to a hospital without justification.

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

FINDINGS OF FACT: The complainant alleged he was transported to a hospital when he did not need or want to go to a hospital. The named officers denied the allegations, stating that they determined from their observations and conversations with the complainant that he was gravely disabled and needed evaluation by physicians. Medical records indicated a physician said the detention “concern[ed]” him but acknowledged the complainant could be held as gravely disabled. One witness to the detention did not hear the conversations between the complainant and the officers. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/16/11 **DATE OF COMPLETION:** 12/01/11 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The named and one witness officer denied the allegation. No witness to the alleged misrepresentation 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: 06/29/11 **DATE OF COMPLETION:** 12/07/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant filed the complaint anonymously. The complainant stated that he/she was detained during the 2011 Bay to Breakers Race. The officer could not recall the incident in question. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said that his/her bag was searched. The officer could not recall the incident in question. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/29/11 **DATE OF COMPLETION:** 12/07/11 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer threatened him/her. The officer could not recall the incident in question. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said that the officer confiscated his/her sports drink. The officer could not recall the incident in question. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/29/11 **DATE of COMPLETION:** 12/14/11 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant brought forward issues that are outside the jurisdiction of the OCC. This complaint was forwarded to the SFPD's Internal Affairs Division.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to prepare a complete and accurate incident report.

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

FINDINGS OF FACT: The complainant brought forward issues that are outside the jurisdiction of the OCC. This complaint was forwarded to the SFPD's Internal Affairs Division.

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DATE OF COMPLAINT: 06/29/11 **DATE of COMPLETION:** 12/14/11 **PAGE #2 of 2**

SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to properly supervise.

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

FINDINGS OF FACT: The complainant brought forward issues that are outside the jurisdiction of the OCC. This complaint was forwarded to the SFPD's Internal Affairs Division.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/28/11 **DATE OF COMPLETION:** 12/21/11 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The officer admitted to the behavior that provided the basis for the allegation. The officer stated that the admonishment provided to the complainant was within his discretion and that the comment was made to inform the complainant that he was busy and that the complainant could follow-up at his own convenience. The evidence supported that there was a warrant in the complainant's name that lacked verifying information presenting the officer with options as to what action should be taken. The comment the officer made to the complainant does not rise to the level of sustainable misconduct. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer said that he ran several queries to verify the warrant information none of which resulted in conclusive information. Based on the circumstances surrounding the warrant and the behavior of the complainant the officer decided not to pursue the warrant investigation at the time and referred the complainant to a police station to conclusively determine the subject of the warrant. It was within the officer's discretion to admonish and release the complainant. DGO 6.18 instructs officers who have reasonable doubt that the person is the same as the subject described in the warrant, weigh the benefit in favor of the detained person and consult your supervisor regarding releasing the detainee. The language in the DGO regarding the consultation with a supervisor does not use the mandatory language "shall" therefore the officer's failure to do so is not sustainable neglect. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/11 **DATE OF COMPLETION:** 12/21/11 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant said he followed the citing officer's advice and went to the station to verify the subject matter of the warrant. The complainant said the Station Duty officer told him the citing officer could have verified the information at the scene. The Station Duty officer had no recollection of the contact with the complainant. The citing officer said he made the decision to refer the complainant to a police station for officer safety reasons and because the stations computers have greater access to verified information than his mobile police unit computer, including, but not limited to, photo images. Furthermore, the officer said he referred the complainant to that police station to verify the subject matter in the warrant not for the purpose of adjudicating the warrant. 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:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/11 **DATE OF COMPLETION:** 12/07/11 PAGE #1 of 3

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

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

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

SUMMARY OFF ALLEGATION #2: The officer failed to provide their names and badge numbers.

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

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

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DATE OF COMPLAINT: 06/27/11 **DATE OF COMPLETION:** 12/07/11 PAGE #2 of 3

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

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

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

SUMMARY OFF ALLEGATION #4: The officer used force during the detention.

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

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

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DATE OF COMPLAINT: 06/27/11 **DATE OF COMPLETION:** 12/07/11 **PAGE #3 of 3**

SUMMARY OFF ALLEGATION #5: The officer exhibited biased policing due to gender/sexual orientation.

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

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

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DATE OF COMPLAINT: 07/11/11 **DATE OF COMPLETION:** 12/23/11 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated he was carrying some bags to the storeowner's vehicle when police pulled over and handcuffed him, accusing him of throwing something to the ground, which they believed to be crack cocaine. The officers stated that, as they drove by they observed the complainant crumble a white substance between his fingers. The officers detained the complainant to investigate. The officers stated they have had previous contacts with the complainant due to complaints that he sells narcotics from this particular store. The witness stated the complainant was standing on the corner when he asked him to help carry some bags to his car. He then noticed officers approached to stop the complainant. There were no other witnesses. There is insufficient evidence to prove or disprove that the complainant was engaged in suspicious criminal activity at the time of the detention.

SUMMARY OF ALLEGATIONS #3-4: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officers searched him for no reason and stated he has no search condition. The officers stated they observed the complainant crushing a white substance in his fingers and believed this was rock cocaine, and that they had probable cause to search the complainant because they believed he could have narcotics on his person. The witness did not observe the entire contact. There is insufficient evidence to prove or disprove that the complainant was involved in suspicious or criminal activity at the time of the detention and that he was concealing narcotics in his person.

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DATE OF COMPLAINT: 07/11/11 **DATE OF COMPLETION:** 12/23/11 **PAGE #2 of 2**

SUMMARY OF ALLEGATIONS #5-6: The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officers went to his house to give him a certificate of release the next day as an excuse to have additional contact with him. The officers denied the allegation and stated the complainant refused to wait for the certificate of release on the day of the incident, so they dropped it off the next day. There were no 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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DATE OF COMPLAINT: 07/11/11 **DATE OF COMPLETION:** 12/15/11 **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, a taxi driver, stated the officer stopped him because he was angry that the complainant had flipped him off. The officer stated that in his initial contact he observed the complainant blocking two lanes of traffic and not helping his passenger with her luggage, a violation of taxi regulations. The officers stated he admonished the complainant, but when the complainant was driving off, he flipped him off, so the officer decided to stop and cite him. The officer then observed the complainant had other violations such as no medallion or badge. The complainant admitted to blocking the lanes, not helping, cursing at the officer, and not wearing his badge. The officer had justification for detaining him per DGO 5.03 Investigative Detention and DGO 9.01 Traffic Enforcement.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity. The officer denied the allegation. The passenger left the scene and was not identified. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation .

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DATE OF COMPLAINT: 07/11/11 **DATE OF COMPLETION:** 12/15/11 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The complainant stated that the officer yelled at him throughout the incident and made rude comments. The officer denied the allegation. The passenger left the scene and was not identified. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer cited him for various violations of taxi regulations. The complainant admitted to the corpus of two of these violations. The complainant stated that he had his badge but was not wearing it at the time.

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DATE OF COMPLAINT: 07/11/11 **DATE OF COMPLETION:** 12/15/11 **PAGE # 3 of 3**

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

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

FINDINGS OF FACT: The complainant stated the officer lied in the police report narrative in regards to the traffic, when he asked him to assist the passenger, and when he stated the trunk was locked. And that he refused to give him his "A" card, and no mention of handcuffing and thumb printing was made. The officer denied the allegation and stated the complainant was detained and handcuffed while he checked the validity of his Taxi driver status. The passenger left the scene and was not identified. There were no other 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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DATE OF COMPLAINT: 07/15/11 **DATE OF COMPLETION:** 12/14/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer detained the complainant at gunpoint.

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

FINDINGS OF FACT: The complainant alleged that the officer detained him at gunpoint. The evidence establishes that the officer responded to an A-priority call involving a person with a knife. The evidence further establishes that a knife was recovered from one of the subjects that were detained. 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 #2: The officer searched the complainant's person without cause.

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

FINDINGS OF FACT: The complainant alleged that the officer searched his person without cause. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 07/15/11 **DATE OF COMPLETION:** 12/14/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3-6: The officers engaged biased policing due to race.

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

FINDINGS OF FACT: The complainant alleged that the officers engaged biased policing. The complainant said the officers contacted him and his companions because of their race. The officers were interviewed relative to the OCC's biased policing protocol, the officers denied the allegation. The officers stated that the description provided on one of the involved parties matched with the subjects that were detained. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

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DATE OF COMPLAINT: 08/05/11 **DATE OF COMPLETION:** 12/19/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used department resources without authorization.

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

FINDINGS OF FACT: The complainant stated she is going through a divorce. She stated that her sister-in-law is a close friend with the named officer. The complainant stated she heard her sister-in-law's voice on her husband's answering machine saying that the officer had some information for him. The complainant stated her husband later asked her if she had any aliases, or if she had ever been arrested. Based on those two events, the complainant believed that the officer was investigating her and providing ill-gained information to her husband. The complainant could not produce any actual evidence of wrongdoing by the officer. The officer denied using department resources to obtain information about the complainant. The officer stated she was not assisting the complainant's husband with his divorce. A records search of the department computer did not disclose that the officer had run the complainant's name, driver's license number or license plate. However, the absence of a record of the officer having used a department computer without authorization does not dispositively prove she did not otherwise obtain and reveal information from department sources. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 08/11/11 **DATE OF COMPLETION:** 12/05/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was filming a demonstration when he was sprayed by the officer for no reason.

In his OCC interview, the officer provided a DVD of part of the demonstration, depicting the complainant's behavior. The video footage shows that the complainant was agitated posturing in nonstop motion, lifting up his shirt to expose his naked torso. He can be heard cursing and making physical threats to the officer. The officer stated that while he and his partner were attempting to detain another demonstrator, the complainant grabbed the arm of the officer's female partner. The officer stated he pulled out his pepper spray and attempted to spray the complainant from a safe distance. The spray can malfunctioned and only a small amount of spray made contact with the complainant but not his eyes. The officer stated he attempted to render aid to the complainant as required by the General Orders but the complainant fled into a crowd of about fifty hostile people.

The officer's partner stated she did not recall being grabbed by the complainant. She stated that the complainant stood five feet away from her and repeatedly threatened to sexually assault her. She stated she did not see her partner pepper spray the complainant.

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

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DATE OF COMPLAINT: 08/17/11 **DATE OF COMPLETION:** 12/07/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT : The complainant said the officer was impeding the flow of traffic so he tapped his horn at him. The officer admitted to being distracted at the first intersection but said he was not distracted at the second stop and the complainant honked his horn at him to hurry him up, not to provide an audible warning to insure the safe operation of vehicles. Therefore, the complainant violated the California Vehicle Code for which he was issued a citation. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/11 **DATE OF COMPLETION:** 12/07/11 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's conduct was biased, due to race.

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

FINDINGS OF FACT: The statement by the officer and the subsequent arrest of the complainant did not meet standards for a biased policy allegation and there is no other evidence of biased policing. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/11 **DATE OF COMPLETION:** 12/15/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers interfered with the rights of onlookers.

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 November 29, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/11 **DATE OF COMPLETION:** 12/20/11 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The officer denied making any of the alleged comments and said the complainant was verbally abusive and used profanity toward him. The witness officer did not recall hearing the named member make the alleged comments. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing based on gender.

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

FINDINGS OF FACT: The officer was questioned relative to the OCC biased policing protocol and denied the allegation. The witness officer corroborated the statement of the accused officer and denied any knowledge of gender bias by the named member. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/06/11 **DATE OF COMPLETION:** 12/15/11 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 30, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/11 **DATE OF COMPLETION:** 12/07/11 **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 stated that she was cited after making a left turn on 16th and Mission Streets. The complainant believed that it permissible to turn left at the intersection before 4:00 p.m. OCC's investigation established that left turns were not permitted in the intersection at any time. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/11 **DATE OF COMPLETION:** 12/22/11 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 16, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/11 **DATE OF COMPLETION:** 12/12/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was cited for talking on her cell phone and for not having proof of insurance. The complainant stated that she was only using her cell phone for navigation and that the officer would not wait for her to locate her proof of insurance. The named officer stated that he witnessed the complainant talking on her cell phone for 2 blocks and that he gave her ample time to locate her proof of insurance. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/11 **DATE OF COMPLETION:** 12/12/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer made a racial comment towards the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer made a racial comment towards her. The named officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/13/11 **DATE OF COMPLETION:** 12/08/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately and/or made inappropriate comments. An officer poll provided no leads in identifying the involved officer. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/29/11 **DATE OF COMPLETION:** 12/30/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/27/11 **DATE OF COMPLETION:** 12/14/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 5, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/11 **DATE OF COMPLETION:** 12/20/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was on private property and stated that he was climbing on a big rock and acting stubborn when private security advised him to leave the property. When police officers arrived on scene and approached him, the complainant did not want to communicate with them and played his radio loudly. The complainant stated that officers then knocked his radio away and used excessive force when they threw him to the ground and handcuffed him. A surveillance camera partially captured the incident but the complainant's arrest was obscured by a newspaper stand. Two independent witnesses taking part in a protest where the detention occurred stated that the complainant brought the officers' actions on himself. All three officers stated that the use of force was necessary because the complainant was resisting arrest and they believed he might pose a danger to their safety. The evidence proved that the act that provided the basis for the allegations indeed occurred. However, the action was justified as lawful and proper.

SUMMARY OF ALLEGATIONS #4-6: The complainant was handcuffed without justification.

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

FINDINGS OF FACT: The complainant was on private property and stated that he was climbing on a big rock and acting stubborn when private security advised him to leave the property. When police officers approached, the complainant stated he did not want to communicate with them. The officers stated that they repeatedly told the complainant to turn down his radio, sit up and show the officers his identification for an investigation into a trespassing call. The complainant refused to comply with any of the officers' demands. One officer stated that he told the complainant that he was being detained and that the complainant then resisted. Eventually, all three officers would put the complainant in handcuffs.

The evidence proved that the act that provided the basis for the allegations indeed occurred. However, the action was justified as lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/11 **DATE OF COMPLETION:** 12/23/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant admitted making an unintentional, illegal left turn while driving his vehicle, but accused the officer of unnecessarily increasing the volume on the loudspeaker of the patrol car and humiliating him. The complainant said that although English is not his primary language, he understands it and can effectively communicate in English. After seeing the complainant commit the traffic infraction, the officer issued various commands to the complainant via the loudspeaker of the patrol car. The complainant stated that the high volume on the loudspeaker distorted the commands the officer gave to him; consequently, he did not understand what the officer was saying. When the complainant finally pulled the vehicle over, the officer got out of the patrol car and approached the complainant's vehicle. The officer appeared upset at what seemed to her was the complainant's apparent refusal to heed her commands. The officer ordered the complainant to put his hands in plain sight on the vehicle's steering wheel, and the officer subsequently issued the complainant a traffic citation for the infractions. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/11/11 **DATE OF COMPLETION:** 12/30/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate remarks to him and spoke to the complainant in a hostile and aggressive manner with a raised voice. The named officer denied all of these allegations. No other witnesses came forward regarding this incident. There is insufficient evidence to prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/11 **DATE OF COMPLETION:** 12/07/11 **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 was cited for failing to stop at a red light while riding his bicycle on Market Street. The complainant acknowledged that he did not stop at the red light. The complainant was properly cited for violating CVC §21453(a.)

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/21/11 **DATE OF COMPLETION:** 12/20/11 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/11 **DATE OF COMPLETION:** 12/22/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that several plainclothes officers approached him and they searched his pockets and fanny pack and found prescription drugs. The complainant was booked for possession for sale of those prescription drugs. The complainant stated that he shouldn't have been arrested. At the time of the arrest, the complainant had a court order in effect to stay 150 yards away from the intersection where he was arrested. He also was subject to search without a warrant as a condition of his probation. The reporting officer stated that a citizen had provided a tip about the complainant selling pills, giving a description and location of the complainant. The officer stated that based on this information, officers searched the complainant, found illegal drugs and made the arrest. The evidence proved that the act that provided the basis for the allegation indeed occurred. However, the action was justified as lawful and proper.

SUMMARY OF ALLEGATION #2: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that he tried to retrieve his property confiscated during his arrest. The property included safe-deposit keys, an iPhone and \$735 in cash. When he went to the property room, he was told he would need clearance from another officer. It took several days to get his safe-deposit keys. The officer stated that he returned the complainant's message but that he was difficult to reach. The complainant received his safe-deposit keys within two days of his original phone call. The officer said the iPhone was not returned because it contained evidence of illegal activities currently under investigation. The \$735 had been forfeited in Superior Court, which is not in the OCC's jurisdiction. The evidence proved that the act that provided the basis for the allegations indeed occurred. However, the action was justified as lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/1/11 **DATE OF COMPLETION:** 12/23/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 20, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/11 **DATE OF COMPLETION:** 12/21/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that an unidentified officer behaved inappropriately and/or made inappropriate comments. The Office of Citizen Complaints was unable to identify the involved officer. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/07/11 **DATE OF COMPLETION:** 12/14/11 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 7, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/14/11 **DATE OF COMPLETION:** 12/19/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/16/11 **DATE OF COMPLETION:** 12/20/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers issued citations without justification.

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

FINDINGS OF FACT: The complainant stated officers issued citations to motorists who had driven into a no-passenger-vehicle zone, and that the area was not clearly marked. The investigation proved that the restricted area is clearly marked. The officers' conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/28/11 **DATE OF COMPLETION:** 12/07/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant sent a letter to the Tenderloin Police Station Captain who forwarded the letter to OCC as a complaint. The complainant's wrote in the letter that she witnessed an officer giving a citation to a man at the corner of Mason and Turk streets. She overheard the officer tell the man that he could go to court and that the officer would not show up because the officer never goes to court. The complainant did not approve of the casual attitude exhibited by the officer because she believes police officers have a responsibility to fight crime in the Tenderloin. When contacted by the Office of Citizen Complaints, the complainant stated that she had no intention of filing a complaint and she only wanted to express her displeasure to officers at Tenderloin Station. The complainant requested that the complaint be withdrawn.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/05/11 **DATE OF COMPLETION:** 12/08/11 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant has previously filed the same or similar complaints against the named officer and these complaints have been investigated by the OCC. This case is merged into OCC case No. 0656-10 as the case has been investigated and closed.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/07/11 **DATE OF COMPLETION:** 12/08/11 **PAGE #1** of 1

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

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

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

Superior Court of California
County of San Francisco
Traffic Division
850 Bryant St., Room 145
San Francisco, CA 94103
(415) 551-8550, 0651

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/11 **DATE OF COMPLETION:** 12/30/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated in her interview that a woman claiming to be a San Francisco Police Officer was harassing her online via “facebook”, stating that she could track complainant’s online activity due to her work as a police officer. There is no record of any officer or San Francisco Police Department personnel by the name provided by the complainant. There is insufficient evidence to prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant stated in her interview that a woman claiming to be a San Francisco Police Officer was harassing her online via “facebook”, making disparaging comments about the complainant online via “facebook”. There is no record of any officer or San Francisco Police Department personnel by the name provided by the complainant. There is insufficient evidence to prove or disprove this allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/19/11 **DATE OF COMPLETION:** 12/22/11 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction and has been forwarded for investigation to:

Internal Affairs Division
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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/20/11 **DATE OF COMPLETION:** 12/23/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer went through an arrestee's cellular telephone.

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

FINDINGS OF FACT: The complainant stated he observed several arrests where the arresting officer went through the arrestee's personal cellular telephones. The complainant was not able to provide any dates, times, locations, of these arrests, nor was he able to provide the identity of any officer who made the arrests. There are no independent witnesses to this incident. The issue raised by the complainant was addressed by the California Supreme Court on January 3, 2011 in *People v Diaz* 51 Cal 4th 84. The court held the law enforcement did not need a warrant to access and arrestee's cellular phone.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/22/11 **DATE OF COMPLETION:** 12/27/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant had contact with a male who identified himself as a police officer. This person then made threatening and inappropriate comments to the complainant. The complainant provided identifying information regarding the male's vehicle and his description to SFPD. SFPD investigated the matter based on the complainant's identifying information and determined that the involved male is not a sworn member of the SFPD. Therefore, this complaint raises matters outside OCC's jurisdiction as the involved party is not a sworn member of the SFPD. SFPD advised the complainant that he should file an incident report. There is no referral.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/11 **DATE OF COMPLETION:** 12/23/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant filed a complaint almost three years after the incident, and alleged the officers arrested him on the basis of false accusations by people who disliked him. The officers stated they conducted an investigation at a municipal boat harbor whereby several individuals described the complainant's threatening behavior, and arrested the complainant on the basis of the evidence they had developed. The complainant kept a boat that was not seaworthy at the same marina, but failed to make the required monthly rental payments for use of the docking area assigned to him. Several individuals described the complainant as belligerent, threatening and obnoxious. One of the individuals stated the complainant had threatened to kill him and burn his boat down. (Note: Around the same time of the subject incident, a mysterious unsolved fire erupted on a boat being stored at the Marina.) A witness was developed who knew the complainant; knew of the various incidents involving the complainant; and knew that police were summoned to evict the complainant from the marina. This witness believed the complainant was capable of carrying out threats he (the complainant) made and described the complainant as someone to completely avoid. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The complainant alleged the officers failed to state a reason for his arrest.

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

FINDINGS OF FACT: The complainant stated that when the officers arrested him, the officers failed to state the reason why the complainant was being arrested. The officers stated they followed Department procedures by Mirandizing the complainant, stating the reason for the arrest and questioning the complainant after providing the complainant with his Miranda warnings. One of the officers also indicated the complainant was provided a property receipt at the time of his arrest. The officer indicated the property receipt also contained a description of the charge for which the complainant was being arrested. No independent witnesses were developed to corroborate the complainant's allegations. There is no evidence provided by the complainant to conclude that the officers would deviate from established procedures and policies.