

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/16/12    **DATE OF COMPLETION:** 11/26/12    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer failed to comply with DGO 5.04.

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

**FINDINGS OF FACT:** The complainant said she told the officer she wanted to press charges against her roommate. The complainant said she told the officer that she was physically attacked by her roommate but that she did not believe she had any physical injuries. The complainant said she did not know at the time if any of her property was damaged and said the officer did not give her time to examine the property to determine if it was damaged. The officer did not recall the complainant telling him she wanted to press charges against her roommate. The officer said the incident did not involve a crime but two people arguing and struggling over a set of keys. The officer said there was no report of a physical confrontation, physical injuries or property damage. The officer said he followed proper procedures. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**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 said the officer hurried her and made her leave her property behind without having the opportunity to examine the property for damage. The officer denied being in a hurry or hurrying the complainant. The officer said the complainant could only take what she could carry because she did not have a car or anyway or anywhere to transport the rest of her belongings. The officer advised the complainant to call SFPD and arrange for a Civil Stand-by when she came back for the rest of her property. The complainant said when she told the officer that she wanted charges pressed against her roommate the officer told her it would be her word against his. The officer denied making this comment. The officer said the complainant asked him to give her a ride to her friend's home, which he did. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #3:** The officer issued an invalid order.

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

**FINDINGS OF FACT:** The complainant said the officer hurried her to collect her belongings from the apartment and told her that she would have to return to get the rest of her property. The officer said the complainant had no means of removing all of her property from the apartment nor did she have a location to store her property. The officer said he resolved the matter by advising her to call SFPD and arranging for a Civil Stand-by when she came back for the rest of her property. The officer said the complainant asked him to give her a ride to her friend's home, which he did. There were no other available 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:**

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**DATE OF COMPLAINT:** 03/04/12 **DATE OF COMPLETION:** 11/06/12 **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 stated he saw a marked San Francisco Police Department police car heading eastbound on North Point Street. When the driver of the police car turned right onto Polk Street, the driver hit a bicyclist who was heading eastbound on North Point Street. The complainant stated the driver failed to stop and proceeded southbound on Polk Street. The complainant believes that the driver of the police car was the same officer who had just cited him failing to stop at a stop sign. The officer who cited the complainant was driving police vehicle No. 1110. The bicyclist stated he was traveling eastbound on North Point Street when a marked police car suddenly turned right onto Polk Street without warning. The bicyclist stated he attempted to stop but was unable to do so. The bicyclist stated he ended up putting his hands on the rear end panel of the police car and eventually falling onto the ground. The bicyclist stated the officer failed to stop and continued heading southbound on Polk Street. The bicyclist's account of what happened was supported by a witness. Both the bicyclist and the witness stated that the vehicle involved was San Francisco Police Department vehicle No. 065. The officer who cited the complainant was interviewed by the San Francisco Police Department officer after the accident was reported to the police. The officer who cited the complainant denied the complainant's allegation. Additionally, records indicate that the officer was driving vehicle No. 1110, a different vehicle identified by the bicyclist and the witness. The OCC interviewed the officer driving vehicle No. 065. The officer denied the allegation and denied being in the area at the time of the accident. The officer's unit history shows that he was several blocks away from where the accident occurred. No other witnesses came forward. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation. It should be noted that on August 9, 2012, the complainant signed an Affidavit of Termination of Investigation with the San Francisco Police Department's Hit and Run Detail, terminating the San Francisco Police Department's internal investigation into the accident.

**SUMMARY OF ALLEGATION #2:** The officer drove improperly.

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

**FINDINGS OF FACT:** As discussed above, the identity of the allegation officer has not been established. There was insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 03/09/12    **DATE OF COMPLETION:** 11/14/12    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant wrote that SFPD Homicide Detectives threatened him and violated his rights during questioning. SFPD records indicate that the complainant was arrested on suspicion of murdering a woman and leaving her body in a burning car. The complainant's attorney told the OCC not to interview her client because there are criminal charges pending against her client.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 03/15/12      **DATE OF COMPLETION:** 11/07/12      **PAGE #1** of 2

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

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

**FINDINGS OF FACT:** The complainant stated she called the police to report an assault and a hate crime perpetrated by her roommate. The complainant stated that when the police arrived, she was unnecessarily detained for over two hours. The named officer denied that the complainant was detained and stated that the complainant was free to leave at anytime. The named officer stated both the complainant and the roommate reported a mutual combat, however, both refused to press charges. The named officer prepared an incident report, documenting his contact with the complainant and the roommate. There were no independent witnesses to either prove or disprove the allegation made by the complainant against the named officer. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer threatened the complainant, behaved inappropriately, and made inappropriate comments.

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

**FINDINGS OF FACT:** The named officer and witness officers denied the allegation. There were no independent witnesses to either prove or disprove the allegation made by the complainant against the named officer. There was insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 03/15/12      **DATE OF COMPLETION:** 11/07/12      **PAGE #2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer failed to investigate the incident.

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

**FINDINGS OF FACT:** The complainant stated she called the police to report an assault and a hate crime perpetrated by her roommate. The complainant stated that the police failed to investigate the crime she had reported. The named officer denied the allegation. The named officer stated both the complainant and the roommate reported a mutual combat, however, both refused to press charges. The named officer prepared an incident report, documenting his contact with the complainant and the roommate. There were no independent witnesses to either prove or disprove the allegation made by the complainant against the named officer. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer failed to accept a citizen's arrest.

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

**FINDINGS OF FACT:** The complainant stated she called the police to report an assault and a hate crime perpetrated by her roommate. The complainant stated that the police failed to arrest her roommate. The named officer denied the allegation. The named officer stated both the complainant and the roommate reported a mutual combat, however, both refused to press charges. The named officer prepared an incident report, documenting his contact with the complainant and the roommate. There were no independent witnesses to either prove or disprove the allegation made by the complainant against the named officer. There was insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 03/15/12    **DATE OF COMPLETION:** 11/21/12    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant and his wife told the OCC that they were leaving the Powell Street MUNI station when a woman bumped into his wife and offered no apology. A verbal dispute ensued between the complainant's wife and the other woman, prompting the complainant to call the police. The complainant and his wife stated that the police failed to get their side of the story. One of the responding officers stated that he spoke with the complainant's wife and the other woman and asked them if they were injured and if they needed an ambulance. Both said no. Additionally, this officer said both women refused to press charges against each other. This officer said he spoke with the alleged suspect, while her partner spoke with the complainant and his wife. The officer's partner told the OCC that by the time they arrived on the scene, the investigation was already done by the other officers. Two other officers questioned by the OCC denied having any contact with the complainant and his wife. 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:**

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

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

**FINDINGS OF FACT:** The complainant stated that the officers wrestled the complainant, slammed his head on the ground and kept striking the complainant. The officers stated that one officer used an academy-trained compliance technique to gently bring the complainant to the ground. The officers then handcuffed the complainant while he was on the ground. At no point did any officer strike the complainant or slam his head into the ground. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**SUMMARY OF ALLEGATIONS #4-6:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that he was at the airport and was not allowed to buy a ticket on an airplane. He walked around the airport, talking about the 9/11 terrorist attacks. As he was leaving the airport he yelled an obscenity and kicked a trash can. The officers stated that they received a call from dispatch about a man creating a disturbance in an airport terminal. When the officers spotted the complainant, he was leaning over a balcony and yelling at people thirty feet below him. The officers detained the man because they felt he was a danger to himself and others. 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 & 2:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that on the day of the incident, he went to the Haight Ashbury Clinic to talk to his doctor. The complainant stated he was very distressed because he had just received a letter, terminating his health insurance. The complainant stated he has mental and health problems and could not live without his medicines. Additionally, he stated he is bipolar and suffers from anxiety attacks and seizure. The complainant stated that he was distraught, saying something “stupid” to hospital staff. The complainant stated that when the staff called the police, he decided to leave. Shortly thereafter, he was detained. Records indicate that the complainant was detained after receiving a report from the clinic that the complainant was a danger to himself. A witness stated the complainant threatened to commit suicide or hurt himself. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant alleged the officers used unnecessary force. The complainant stated he was grabbed by the neck and was thrown to the ground. The complainant stated the officers beat him with their clubs and kicked him in the ribs. The complainant further stated one of the officers stepped on his chest. The officers denied the allegation. The officers, however, admitted taking the complainant to the ground because he resisted. A witness supported the officers’ account of what happened. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #5 & 6:** The officers placed the complainant in tight handcuffs.

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

**FINDINGS OF FACT:** The complainant alleged the officers placed him in tight handcuffs. The officers denied the allegation. The officers stated the complainant did not complain or say anything about the handcuffs being too tight. In his interview, the complainant stated he did not tell the officers that the handcuffs were tight. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #7 & 8:** The officers failed to tell the complainant why he was being detained/arrested.

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

**FINDINGS OF FACT:** The complainant alleged the officers the officers did not say why he was being detained or arrested. The officers denied the allegation. The officers stated they told the complainant they were detaining because of a call they received from the clinic about him. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #9 & 10:** The officers failed to Mirandize the complainant.

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

**FINDINGS OF FACT:** The complainant alleged the officers failed to read him his rights. The evidence shows the complainant was not arrested but rather detained. Additionally, there is no evidence showing that incriminating questions were asked, or the complainant being interrogated. 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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**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to take a required action.

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

**FINDINGS OF FACT:** The complainant stated that she was at the hospital to receive treatment and instead the doctors tortured her. When the officers arrived, they witnessed the torture yet did nothing to stop it. The officers stated that the complainant was not tortured at all. Instead, the hospital went out of their way to accommodate her. A witness stated that there was no such interaction between the complainant and the hospital staff. The evidence proved that the acts alleged in the complaint did not occur.

**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 that she was arrested for trespassing and resisting arrest without cause. The officers stated that the hospital staff wanted officers to arrest the complainant because she was trespassing on hospital property. Hospital staff signed a citizen's arrest card. The officers stated that the complainant refused to comply with their orders and resisted arrest. A witness stated that the complainant screamed and physically resisted the arrest. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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**SUMMARY OF ALLEGATIONS #5-6:** The officers used unnecessary force during the arrest.

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

**FINDINGS OF FACT:** The complainant stated that the officers used excessive force when placing her into custody and while they were placing her in the police vehicle. The officers stated that the only physical interaction they had with the complainant was placing the handcuffs on her and placing her in back of the patrol vehicle. No force was used. A witness stated that the officers did not use any force when putting the complainant in handcuffs but did not witness the officers placing her in the patrol vehicle. There were no other independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**SUMMARY OF ALLEGATIONS #7-8:** The officers failed to properly process property.

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

**FINDINGS OF FACT:** The complainant stated that the officers took one gram of medical marijuana and a glass pipe from her purse while she was inside the patrol car and that she never received the property back after being released. The officers stated that they never saw a pipe or any marijuana in the complainant's possession. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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**DATE OF COMPLAINT:** 04/23/12 **DATE OF COMPLETION:** 11/15/12 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer used profanity.

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

**SUMMARY OF ALLEGATION #3:** The officer made sexually derogatory comments.

**CATEGORY OF CONDUCT:** D/CRD/SS **FINDING:** S **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant, who wished to remain anonymous, wrote that he/she and his/her friend were walking eastbound on John F. Kennedy (JFK) Drive when the complainant noticed a woman walking her dog in the wooded area off the sidewalk. The complainant stated the named officer, a mounted police officer, was following the woman and her dog, repeatedly yelling, profane, uncivil and sexually defensive language. The complainant wrote that when the woman and her dog moved out of sight, the named officer said, "You're going to jail." The complainant described the named officer's behavior as being "completely out of control." Additionally, the complainant wrote, "The rage and sense of impunity with which this officer acted was extremely frightening," prompting the complainant to file his/her complaint anonymously.

During his OCC interview, the named officer stated he and his horse were heading eastbound on JFK drive when they came in contact with the woman and her dog. The officer stated the woman's dog ran towards his horse at full speed in a threatening manner, barking and jumping. The officer stated he began calling out for the dog's owner, yelling, "Whose dog is this? Somebody get your dog on a leash." The officer stated no one responded. The officer stated the dog was close to the front leg of his horse, barking yapping and snapping, causing the officer's horse to buck and spin around. The officer stated he yelled again for the dog's owner. At that point, the owner began walking slowly towards him and his horse. The officer stated he yelled, "Is this your dog? Get here now and put the dog on a leash." The officer stated the owner did not respond and continued to walk slowly towards him, while the dog continued to bark and snap at his horse. Shortly thereafter, the owner placed her dog on the leash.

The officer stated that when he told the owner that she was under arrest, she ran across the street with her dog. The officer stated he yelled for the owner to stop, but she continued running, climbing into some bushes and fell. The officer then told the owner, "Stop running. You're under arrest and you're gonna get a citation." The officer stated the owner ignored him and continued to run into the bushes, prompting the officer to go after her while broadcasting his location. The named officer stated that other officers nearby heard him yelling at the owner, prompting the officers to take the owner into custody.

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**CATEGORY OF CONDUCT:** D/CRD/SS **FINDING:** S **DEPT. ACTION:**

**FINDINGS OF FACT CONTINUED:** The officer admitted yelling at the owner of the dog. The officer stated that when people do not listen or respond to him, he yells loudly and gets aggressive in order to get their attention. He stated that it is a tactic he learned over the years working in the projects and other police districts. The officer admitted that he became agitated because his safety was in danger. He noted that there have been numerous officers who have become physically disabled after being thrown off their horses. The officer also admitted using the language attributed to him during this incident because he was upset at the owner, who was disregarding his well being.

Department General Order 2.01 states, in part, “When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.” The officer admitted being upset, causing him to use profanity. He also admitted uttering the language attributed to him. Based on the officer’s own testimony, his treatment of the woman with the dog violated DGO 2.01. By a preponderance of the evidence, the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

**FINDINGS OF FACT:** The officer transported the owner of the dog to the station. The officer then transported the owner from the station to County Jail. Department General Order 2.01 section 36 requires that immediately prior to transporting any female, the transporting officer shall notify Communications Division of the vehicle’s starting mileage and ending mileage. The evidence shows that the officer failed to notify Communications Division with the vehicle’s ending mileage when she and the owner arrived at County Jail. By a preponderance of the evidence, the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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**DATE OF COMPLAINT:** 05/08/12 **DATE OF COMPLETION:** 11/29/12 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer was rude and threatening towards the complainant.

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

**FINDINGS OF FACT:** The complainant stated he was double-parked when the officer pulled up behind him and told him to move his car. The complainant complied and moved his car across the street where he again double-parked. The complainant was then cited by the officer. The complainant alleged that the officer was rude, threatening to issue him another citation. The officer stated that the complainant was initially illegally parked double-parked. The complainant then moved his vehicle to a Taxi Zone, prompting the officer to cite the complainant. The officer stated he simply placed the citation on the complainant's car when the complainant refused to accept the citation and the officer walked away. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer selectively enforced the law.

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

**FINDINGS OF FACT:** The complainant stated there were other cars that were double-parked but the officer did not cite them. The officer denied the allegation. The officer stated there were only two cars that were double-parked. The officer stated he did not issue a citation to the other car because the driver moved his vehicle. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant told the OCC that while smoking a cigarette on a sidewalk near a Caltrans station, he was approached by several police officers. The complainant stated that one of the officers then asked for his identification and told the complainant that they were investigating a burglary call. The officer denied detaining the complainant. The officer stated the contact was consensual and the complainant was free to leave at anytime. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the officer searched his property without cause. The complainant stated the officer searched his container and took out his identification without permission. The officer stated he asked the complainant if he could see his identification and the complainant told him it was in some container on top of his cart. The officer stated the complainant further gestured towards his cart. The officer stated he then retrieved the identification, which was exactly where he could find it. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer purposely made the contact to harass him. The officer stated he contacted the complainant because the complainant partially met the description of the suspect and was found loitering in the area where the burglary occurred. The officer further stated that the complainant had a shopping cart full of items that could have concealed the property that was stolen. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

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

**FINDINGS OF FACT:** The complainant wrote in part that the officer challenged him to a fist fight. The officer and his partner denied the allegation. The named officer denied behaving inappropriately and/or making inappropriate comments as alleged. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant alleged that the officer used profanity. The named officer denied the allegation. His partner could not recall the named officer using profanity towards anyone at the scene. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the officer told her that the incident was none of her business and that only the victim could report the crime. She said the officer told her not to call the police again or she would be arrested. The officer denied the allegation. The officer stated he explained to the complainant that she was not the victim of this incident and explained the elements of a crime. The ATM surveillance video does not have any audio. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that she was mugged at the ATM and that the suspects had their hands all over her. The complainant said she provided the officer a description of the suspects and the direction in which they fled but the officer did not do anything to help her and walked away. The officer stated that he determined that the complainant was not a victim of robbery, the bank was closed, there were no witnesses, and she did not request a report. The officer stated the complainant did not have any property taken from her and she was not injured. The ATM video corroborates that the complainant was not injured, that the suspects did not have their hands all over her, that she was not mugged, that the officer did not do anything and that he left her alone. The video shows the officer speaking with her and walks to the opposite direction as if to investigate something (either look for suspects or attempt to go into the bank) and then returns to talk to the complainant further. The video shows that the complainant left the scene first and then the officer left. The officer performed his duties per DGO 2.01 Rule 5. Performing Duties.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/18/12    **DATE OF COMPLETION:** 11/05/12    **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The complainant stated that she was seeking mental health care when she was detained and told not to return to the location. The officers stated they were dispatched on a call regarding a person threatening to be violent and holding a sharp object in her hand. When the officers arrived on the scene, they were told by the mental health care staff that they were concerned with the complainant's aggressive behavior and wanted her to leave the premises. The officers stated that they walked the complainant outside where they evaluated her for a mental health detention. After determining that she was not a threat to herself or others, and was not in possession of a weapon, they informed her that she was not welcome at that location. The evidenced 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:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/24/12    **DATE OF COMPLETION:** 11/20/12    **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/29/12 **DATE OF COMPLETION:** 11/20/12 **PAGE #** 1 of 1

**SUMMARY OF ALLEGATIONS # 1-2:** The officers' behavior was inappropriate.

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

**FINDINGS OF FACT:** The complainant stated she had a valid license and the officers should have released the vehicle to her. The complainant stated the officers were rude and discourteous and told them they would have to get home the best way they could. The officers denied the allegation. The officers followed their Department policy, which states officers "shall tow" for a violation of driving on a suspended license despite the complainants request, would not be released. The officers indicated the vehicle was not registered to the complainant and they had no evidence of insurance. Furthermore, the complainant did not have a child safety seat for her two and a half year-old son for transportation. The traffic stop was made at a gas station in a centrally located area approximately three blocks from the BART station. After reviewing a digital recording provided by the named officer, OCC found no evidence of inappropriate or discourteous behavior on the part of the officers, however, the recording did not capture all aspects of the contact. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #3:** The officer searched a person without justification.

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

**FINDINGS OF FACT:** The complainant stated her son was searched during the traffic stop. The officer denied the allegation. The named officer stated he conducted a pat search for officer safety when both the witness and the complainant's son approached him from behind while he conducted an inventory search of the vehicle. Both the named officer and his partner instructed the witness and the complainant's son to step away while the search was in process. The witness corroborated that he walked towards the car to retrieve his belongings, which startled the named officer. The witness said he was told to stand at a certain location near the back of the car, so he complied. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/25/12    **DATE OF COMPLETION:** 11/14/12    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-3:** The officers arrested the complainant without probable cause.

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

**FINDINGS OF FACT:** The complainant stated he was arrested without cause. The complainant was on active CDC parole. The officers observed interdicted behavior, stopped the complainant and asked him if he was on parole. The complainant responded he was on parole. The complainant, as a condition of his parole, waived his 4<sup>th</sup> amendment rights and could be searched at any time. The officers denied the allegation. The officers searched the complainant and found contraband on his person. The officers were required to arrest the complainant. The evidence proved that the acts which provide the basis for the allegations occurred, however, the acts were justified, lawful and proper.

**SUMMARY OF ALLEGATIONS #4-6:** The officers engaged in biased policing based on race.

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

**FINDINGS OF FACT:** The officers were questioned by OCC and stated that they observed a hand-to-hand sale of narcotics between the complainant, an African American and a Caucasian purchaser. The officers arrested the complainant. The complainant stated he extended his hand in friendship to the other person and it was an act of racially biased policing to arrest him and release the purchaser. There was no persuasive evidence that the complainant personally knew the purchaser. The OCC complaint form did not indicate the complainant knew the purchaser personally, and the complainant called the purchaser "Mr.," not by his first name. The officers denied that they engaged in biased policing. The police report stated the men spoke briefly. One of the officers interviewed the purchaser. The purchaser told the officer he had just met the buyer and had made a mistake. During the OCC interviews of all the involved officers, they stated the complainant did not appear to know the purchaser personally. They did not overhear any salutary remarks between the men upon their parting, they did not hear each other call the other by their first names, nor did they hear any statement by either of the parties that tended to indicate that the two knew each other. Neither the complainant nor the Caucasian purchaser responded to OCC requests for interviews. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

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

**FINDINGS OF FACT:** The complainant reported his cell phone stolen on a specific date. He did not report any other items stolen on that date to the officer. In his interview, the complainant stated that the officer failed to implement appropriate follow up actions regarding the theft of his phone. The officer denied the allegation. He stated he investigated the case. The officer interviewed the complainant, spoke to a potential witness and scoured the premises for physical evidence. The officer followed up by writing an incident report, providing the complainant with a Marsy's Victim of Crime Information Card, and gave the complainant a SFPD follow up form. The officer stated that additional investigative actions are under the direction of the station investigation team. The evidence proved that the acts, which provide the basis for the allegations occurred, however, the acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** The complainant had his bicycle stolen in a particular district and reported the incident to a 311 operator. The 311 operator generated a report and routed it to the district station where the theft occurred. There were no known witnesses to the theft. The report was routed and processed. Department regulations provide that simple thefts may be reported via alternative means such as counter reports, 311 calls and online messaging. The complainant stated he had telephone contact with an officer regarding the incident after it occurred who was allegedly following up on the incident. The OCC conducted its own investigation. The named officer does not work in the district where the incident occurred, and has worked in another specific district for over eight years. The officer denied the allegation. He stated he had never heard of the complainant and after a records search denied having any contact with him. On the day of the incident, the officer was off duty. The evidence proved that the named member was not involved in the acts alleged.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1:** An unknown officer retaliated against the complainant.

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

**FINDINGS OF FACT:** The complainant stated that a tire on her vehicle was intentionally damaged, and she suspected that a San Francisco Police officer caused the damage. The only known officer to the complainant was questioned, and denied the allegation. Further, he was not scheduled to be working on the date in question. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/09/11    **DATE OF COMPLETION:** 11/13/12    **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 stated he was arrested after talking to a friend on the street who repaid a loan of \$8. According to court records, the complainant had a valid stay-away order for the area in which he was observed allegedly selling drugs. The officer stated he observed the complainant sell what appeared to be a rock of crack cocaine. The officer detained the buyer and seized what appeared to be a rock of crack cocaine from his shopping bag. In subsequent court proceedings, discrepancies arose concerning the officer's observations. There is insufficient evidence to determine whether or not the officer had probable cause to arrest the complainant.

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

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

**FINDINGS OF FACT:** The complainant stated the officer entered his room using a key obtained from the hotel manager and searched his room. The hotel manager stated he provided the key to the complainant's room to the officer upon request. The officer stated he was in fresh pursuit of the complainant to arrest him for a narcotics transaction he had just witnessed. The officer stated he obtained the key from the manager in case the complainant tried to flee or destroy evidence. He stated he did not open the door for officer safety reasons, in case the complainant was armed or others were with him. He stated he knocked on the door and the complainant opened the door and stepped out into the hallway. When asked if he was on probation or parole, the complainant told the officer he was on probation. The officer arrested the complainant and another officer transported the complainant to the station. The officer then returned to the complainant's room and conducted a probation search. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/09/11    **DATE OF COMPLETION:** 11/13/12    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant alleged the officer stole \$1200 from him. The officer denied the allegation. The officer stated the only property he seized from the complainant was \$45 from the complainant's pocket and \$8 from his hand. In a subsequent SFPD Department internal investigation, the complainant admitted that the officer never took his money, which was booked in to his property at County Jail. The allegation is unfounded.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/20/12    **DATE OF COMPLETION:** 11/07/12    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer made inappropriate comments and engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainants stated that the officer interviewed them as witnesses to an assault. The officer was being very aggressive during the interviews. The officer asked one of the complainants about his criminal history and called the complainant a liar. The officer stated that he did not believe he was aggressive toward the witnesses. He may have asked about the complainant's criminal history to determine the complainant's identity. The officer stated that he did not call the complainant a liar. There were no independent 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 due to race.

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

**FINDINGS OF FACT:** The complainants stated that they were interviewed after witnessing an assault. The officer interviewed one of the complainants, who is African American, longer than the other, who is Pakistani American, for a much longer time. The African American complainant was also asked about his criminal history while the other was not. The officer stated that he interviewed the African American complainant longer because he had taken a video and wanted to go through the video with him. He asked the complainant about his criminal history because that is common practice. There were no independent 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:** 06/20/12    **DATE OF COMPLETION:** 11/07/12    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated that the officer used profanity when he told the complainant that he was lucky that the officer didn't go through his stuff. The officer stated that he never stated anything to that effect and never used profanity. There were no independent 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:** 06/27/12 **DATE OF COMPLETION:** 11/09/12 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant, an airline employee, stated she requested police assistance to help her deal with hostile and verbally abusive passengers who had been denied seats on an overbooked flight. The airline was not going to provide hotel rooms or meals to the stranded passengers. She stated the officer told her the passengers had a right to be upset and a right to yell at her. She stated the officer fueled the passengers' anger.

The officer stated he told the complainant the stranded passengers had a right to be angry, and that yelling was not a criminal offense. The officer further stated the complainant wanted him to threaten to arrest the unruly passengers. He stated he asked the complainant if anyone had touched her or threatened her and she said no. He stated his partner told her that the police were not there to take sides in a customer service issue.

The officer's partner stated he did not hear the named officer tell the complainant that the passengers had a right to be upset and to yell at her. He stated he told the complainant that the police were there to enforce the law and make sure no one got hurt. He further stated he spoke to the passengers and they were very upset with the complainant's indifferent attitude.

Two other officers stated they stopped by the scene but were told their backup was not needed. They each stated they did not hear any conversation between the complainant and the named officer.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/06/12    **DATE OF COMPLETION:** 11/14/12    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer failed to provide correct information.

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

**FINDINGS OF FACT:** The complainant stated the officer pulled him over and issued a citation to him for speaking on the phone while the complainant was driving. The complainant alleged the officer told him that he did not need to appear in court or pay a fine because it was the complainant's first violation. The officer allegedly said that if there were a fine or a problem, the complainant would receive a letter by mail. Consequently, the complainant did not appear in court and discovered the information provided by the officer was incorrect. The complainant received a letter informing him of suspension of his license and he had to pay a \$450 fine. The officer denied making this statement to the complainant because it was in violation of the wording that appears under the complainant's signature on the face of the citation, which is as follows. "Without admitting guilt, I promise to appear at the time and place indicated below." Additionally, the officer assigned a specific court date for the complainant to appear unless the complainant decided to pay the fine or go to traffic school. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer issued the complainant a traffic citation for talking on a cell phone. Department policy mandated the officer to enter the applicable information obtained from this traffic stop into the appropriate computer database. However, the officer failed to do this. The officer said he usually enters the pertinent information gleaned from traffic stops as required, and believed he did so on this occasion. The officer did not produce any evidence to substantiate that he input the data. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/06/12    **DATE OF COMPLETION:** 11/14/12    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The officer used a unit identifier, which was assigned to another officer, on the date of the subject incident. Consequently, the subject incident never appeared on the named officer's Unit History for the unit number his division reportedly assigned to him that day. The named officer said he was new to the division and he either misunderstood the unit identifier he was assigned, or he was assigned the wrong unit identifier. No independent witnesses were developed to corroborate the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** On the date of the subject incident, the officer wrote a unit identifier, which was assigned to another officer, on the traffic citation that was issued to the complainant. Consequently, the subject incident never appeared on the named officer's Unit History for the unit number his division reportedly assigned to him that day. The named officer said he was new to the division and he either misunderstood the unit identifier he was assigned, or he was assigned the wrong unit identifier. No independent witnesses were developed to corroborate the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/08/12    **DATE OF COMPLETION:** 11/05/12    **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 stated the officer used unnecessary force when he entered her residence to check on the wellbeing of her son. The complainant asked the officers for a warrant. No warrant was required due to the exigent circumstances of the call for service. The complainant stated the officer pushed her on her chest, arm and shoulder. The complainant complained of pain, stating those areas were affected by preexisting conditions, injuries, and/or a disability and that the officer caused her further injury. The officer denied the allegation. He admitted pushing the complainant where she said he pushed her and heard the complainant complain of pain. The complainant did not ask the officer for medical attention at the time. The officer received a high priority call to check on the well being of the complainant's minor child. The officer stated the complainant impeded police entry to the residence to search for her son. The officer utilized minimal acts of physical control in order to contain the complainant's movement. These acts allowed the officer's partner to conduct a protective sweep for the complainant's child. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated the officer used profanity during their contact. The officer denied the allegation. The witness did not hear the entire contact. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/08/12    **DATE OF COMPLETION:** 11/05/12    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the officer made inappropriate, demeaning comments and improperly disposed of her cigarette, putting it out in a plate of food she had prepared. The officer denied the allegation. The witness did not corroborate the complainant's account. Documentary evidence presented to the OCC did not support the allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #4:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated the officer failed to properly investigate, stating he should have known she had been the subject of a domestic violence assault when he contacted her. The officer denied the allegation. The OCC conducted its own investigation. The officer was on a high priority call to investigate a call regarding the wellbeing of the complainant's child. Dispatch had received information that the complainant was battering her child and dispatched the first available radio car to the complainant's address. The officer's sole priority was to find the complainant's child and verify that s/he was in good health. The officer's investigation did not relate to the complainant other than whether she impeded his ability to locate her child. The evidence proved that the acts, which provide the basis for the allegations occurred, however, the acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/03/12    **DATE OF COMPLETION:** 11/09/12    **PAGE #1** of 1

**SUMMARY OF ALLEGATIONS #1-2:** The complainant was issued a Notice of Re-Examination without cause.

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

**FINDINGS OF FACT:** The complainant stated that, at a gas station, he backed up and “touched” another car. He denied causing any damage to the car. At the time of his interview, the 79 year-old complainant walked with the aid of a cane and wore thick-lensed eyeglasses.

The driver of the other car stated the complainant backed into her car at a gas station, and damaged her car. She stated the complainant denied hitting her car and refused to provide her with his insurance information. She stated the complainant also nearly hit a gas tanker truck at the gas station when he tried to leave the scene.

One officer at the scene stated he explained the Notice of Re-Examination to the complainant but the complainant didn’t seem to understand it. Another officer at the scene stated the complainant told her that he didn’t do anything.

Both named officers stated the complainant appeared confused and had difficulty walking. They stated his fine motor skills were also impaired, e.g., he had trouble getting his wallet out of his pocket. The junior named officer stated the driver of a gas tanker truck told him that he had to yell at the complainant to keep him from hitting his truck. The senior named officer stated he ordered the junior named officer to issue the complainant a Notice of Re-Examination. The junior officer stated he did so under orders from the senior officer.

The officers had reasonable justification to issue the complainant a Notice of Re-Examination. Their conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/15/12 **DATE OF COMPLETION:** 11/30/12 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer displayed a rude attitude and made rude remarks.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 28, 2012.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/21/12    **DATE OF COMPLETION:** 11/09/12    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The officers stated they arrested the complainant pursuant to an outstanding arrest warrant. Court records confirmed that the complainant had an outstanding arrest warrant. The officers' conduct was proper.

**SUMMARY OF ALLEGATION #3:** The officers handcuffed the complainant too tightly.

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

**FINDINGS OF FACT:** The complainant stated she did not tell any of the officers at the scene that her handcuffs were too tight. She had no marks on her wrists. The named officer stated he observed the complainant holding a box cutter. He stated he placed the complainant in handcuffs. He checked them for tightness and double-locked them. He stated the complainant did not tell him the handcuffs were too tight. Three officers who were at the scene stated the complainant did not complain of tight handcuffs. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/21/12    **DATE OF COMPLETION:** 11/09/12    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #4:** The officers made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant stated an officer told her to shut up. She was unable to describe or identify the officer. The four officers who were at the scene each denied telling the complainant to shut up. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #5 & 7:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** This allegation was outside the jurisdiction of the SFPD and was forwarded to the San Francisco Sheriff's Department.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/21/12      **DATE OF COMPLETION:** 11/19/12      **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers detained the subjects at gunpoint without justification.

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

**FINDINGS OF FACT:** The officers received a call through dispatch of three black male juveniles and one reportedly carrying a gun. The caller provided distinct physical and clothing descriptions for the subjects, streets, a direction of travel, and described the gun. The officers denied the allegation. The officers stated the incident occurred late on a weekday night when there was little foot traffic. The officers observed a group of three black men matching the descriptions provided. The officers articulated specific safety reasons for the detention at gunpoint. They stated they were outnumbered and short on handcuffs. It was not until backup arrived that they were able to handcuff all three persons. Officers then stored their weapons. The evidence proved that the acts which provided the basis for the allegations occurred, however, the acts were justified, lawful and proper.

**SUMMARY OF ALLEGATIONS #3/4:** The officers engaged in biased policing based on race.

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

**FINDINGS OF FACT:** The complainant stated the three subjects were racially profiled. Dispatch received physical descriptors for the subjects, including facial hair and height for each. They were described as juveniles, traveling in a group of three. A 911 caller provided a specific clothing description and color for the subjects. The men were traveling in a specific direction on a weeknight where foot travel was considerably less dense. The OCC reviewed the audio recordings of the 911 call. The audio recording of the caller states s/he wanted the dispatcher to note that s/he was African American. The dispatcher repeated all of the specific descriptive information about the subjects provided by the 911 caller. The officers denied the allegation. The officers received specific information from dispatch about a group of three black juvenile males. The officers detained and identified the subjects. Two were 18, one was 17. The officers stated there were no other black males fitting the provided descriptors traveling in the same location in the same direction and traveling in a group of three. The officers stated they were duty bound to stop individuals matching the descriptions and direction of travel provided by dispatch. The 911 caller did not return the OCC's calls. Two of the three subjects who were detained were interviewed. The third subject did not come forward, following numerous OCC contacts. The evidence proved that the acts alleged in the complaint did occur and that actions were justified lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/31/12 **DATE OF COMPLETION:** 11/30/12 **PAGE#** 1 of 1

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

**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 28, 2012.

**SUMMARY OF ALLEGATION #2:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 7, 2012.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/13/12 **DATE OF COMPLETION:** 11/30/12 **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 October 31, 2012.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/17/12 **DATE OF COMPLETION:** 11/30/12 **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. The complaint has been referred for investigation to:

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/18/12 **DATE OF COMPLETION:** 11/21/12 **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 complainant stated the officer told him, “Well, I would like for you to leave here and never come back.” The officer stated he never ordered the complainant to leave the area. The officer’s partner stated he did not recall this incident. There were no available witnesses and 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 stated he is a process server and entered a restaurant to serve legal papers to the owner. He stated he demanded to see the identification of a female employee. He stated the employee refused to provide identification and contacted police. The complainant stated he was arrested for trespassing. The arresting officer stated the female employee told him that the complainant refused to leave the restaurant when asked to do so and was disrupting business. The employee signed a private person’s arrest form for trespassing and the officer accepted it. The officer’s conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/18/12 **DATE OF COMPLETION:** 11/21/12 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer failed to advise the complainant of his *Miranda* rights.

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

**FINDINGS OF FACT:** The complainant stated the officer did not advise him of his Miranda rights. The complainant was not interrogated. Pursuant to Department General Orders, the officer did not have a duty to advise the complainant of his Miranda rights. The officer's 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:** 09/20/12    **DATE OF COMPLETION:** 11/30/12    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated an acquaintance hit him twice with a closed fist. He told the officers he wanted his acquaintance cited for battery.

The officers stated that, after interviewing the complainant, they searched the area for the suspect with negative results. The investigation showed that an incident report was prepared and the case was forwarded to the station's investigation team for follow-up.

There were no witnesses or additional evidence to confirm that the officers conducted a search for the suspect.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/21/12 **DATE OF COMPLETION:** 11/15/12 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 29, 2012.

**SUMMARY OF ALLEGATIONS #3-4:** The officers towed the complainant's vehicle without cause.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 29, 2012.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/21/12 **DATE OF COMPLETION:** 11/15/12 **PAGE #2** of 2

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 29, 2012.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/21/12 **DATE OF COMPLETION:** 11/30/12 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner November 9, 2012.

**SUMMARY OF ALLEGATION #2:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner November 9, 2012.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/03/12 **DATE OF COMPLETION:** 11/30/12 **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 November 6, 2012.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/17/12    **DATE OF COMPLETION:** 11/30/12    **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, who was on probation and had a warrantless search clause at the time of these incidents, provided information on several incidents concerning a love triangle and a landlord-tenant relationship. The complainant indicated that these incidents formed the basis of her and her husband being illegally evicted from an apartment building. Most of the incidents the complainant described involved the intervention by police officers summoned by third parties. Officers responded to calls for service concerning physical assaults and the investigation of suspected drug manufacturing at the apartment building by the complainant and her husband. Legal documents provided by the complainant indicate the apartment building's property manager considered the complainant and her husband a nuisance based on several incidents involving the couple. One incident involved the complainant and her husband fighting with the husband's former girlfriend, who had temporarily moved in with the complainant and her husband. Other residents in the apartment building heard the commotion in the hallway and saw the husband attacking the former girlfriend. Officers were summoned and the complainant and her husband were arrested. The former girlfriend had also obtained an Emergency Protective Order against the complainant's husband. The complainant initially accused the entire SFPD of being rude, colluding with the property owners and uninterested in enforcing her rights to live in the apartment; however, she did not accuse any specific officer and she did not articulate the rude/inappropriate conduct. At one point in the interview, the complainant said the officers with whom she had contact were just doing their job. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/29/12 **DATE OF COMPLETION:** 11/26/12 **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency (SFMTA)  
505 Seventh Street  
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:** 10/29/12    **DATE OF COMPLETION:** 11/02/12    **PAGE #1** of 1

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/14/11      **DATE OF COMPLETION:** 11/13/12      **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The officer has retired and is no longer available for disciplinary action.

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

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

**FINDINGS OF FACT:** The officer has retired and is no longer available for disciplinary action.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/11/12 **DATE OF COMPLETION:** 11/30/12 **PAGE #1 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated she did not touch, hit or throw a telephone at her father-in-law, and that he falsely accused her of elder abuse in order to get her out of the house to assist his son. The officer denied the allegation and stated there was probable cause to accept a citizen arrest for elderly abuse against the father-in-law. The preponderance of the evidence established that the officers had probable cause to accept the elder's private person's arrest and to affect the arrest of the complainant. The officers' actions were lawful, justified, and proper.

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

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

**FINDINGS OF FACT:** The complainant stated the officer might have been negligent in her investigation and should have done something to investigate her father-in-law or question her, but was neither questioned about it to say her side of the story. The officer stated the complainant exercised her fifth amendment right when she asked for her cellular telephone in order to contact her attorney. The officer further stated that when the complainant disregarded another admonishment of her right to remain silent and volunteered additional statements to another officer in Spanish while in custody, those self-incriminating statements were recorded and translated from Spanish to English to augment probable cause for her arrest. The officers' actions were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/11/12 **DATE OF COMPLETION:** 11/30/12 **PAGE #2 of 2**

**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to properly book evidence.

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

**FINDINGS OF FACT:** The officer neglected her duties, in violation of DGO 1.03. The officer admitted that she did not book any of the evidence items into the station Property Control Log or documented other evidence related entries in her report. Department records show that she never filled out the Property Control Log. The officer wrote in her report that she digitally recorded the victim and booked it as evidence. The Department never located the victim's audio recording evidence. A preponderance of the evidence proved that the officer's neglect did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1:** The officer wrote an incomplete and/or inaccurate report.

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

**FINDINGS OF FACT:** The complainant stated that the officer wrote a false incident report in an effort to obtain an Emergency Protective Order on behalf of the complainant's mother. The named officer and one witness officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/26/12    **DATE OF COMPLETION:** 11/20/12    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer detained the complainant for a psychiatric evaluation without justification.

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

**FINDINGS OF FACT:** The complainant stated the officer detained him per Section 5150 of the W&I Code without justification at a time when he had discontinued taking prescribed psychiatric medication against instructions from his physician. The physician made a Tarasoff report of possible domestic violence in the complainant's residence, which SFPD members determined had no merit. Later that day, the physician requested that Mobile Crisis Support assess his patient. The evidence indicated that SFPD members responded pursuant to DGO 6.14 II.B. to transport the complainant due to his propensity for violence. The officer in charge stated Mobile Crisis Support, not SFPD, detained the complainant. The evidence proves that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #2:** The officer failed to properly apply handcuffs.

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

**FINDINGS OF FACT:** The complainant stated the officer improperly applied handcuffs. The complainant stated the officer kept his right hand cuffed too tightly, causing a bloody abrasion. The complainant admitted he asked the officer to loosen the handcuff and the officer complied. The complainant also stated he fell off the wagon bench during transport to SFGH-PES. The officer denied the allegation. He stated that once handcuffed, the complainant might have caused abrasions to his own wrist due to irate physical movements while in custody. There were conflicting statements among witnesses on scene. There is insufficient evidence to either prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/26/12    **DATE OF COMPLETION:** 11/20/12    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer transported the complainant in a negligent manner.

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

**FINDINGS OF FACT:** The complainant stated he fell off the wagon bench due to negligible driving by the transporting officer. The officer denied the allegation. There were no witnesses to the transport so there is insufficient evidence to either verify or deny the allegation.

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

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

**FINDINGS OF FACT:** Mobile Crisis Support transported the complainant as required by Departmental regulations in handcuffs to SFGH-PES pursuant to a W&I Section 5150 detention. SFPD members interviewed gave conflicting statements as to their practices regarding DGOS 5.03 and 6.14 II.B. The evidence proved that the act by the member in charge might have been justified by Department policy, procedures or past practices; however, based on conflicting statements and inconsistent practices among SFPD members the OCC recommends that the Department develop a memorandum of understanding between the Department of Public Health and the SFPD to delineate clear duties and responsibilities in all instances whenever outside agency clinicians or therapists such as personnel from Mobile Crisis Support request SFPD members to stand by or assist with the transport to SFGH-PES for evaluation of a violent patient presenting a risk of danger to the public.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/27/12    **DATE OF COMPLETION:** 11/30/12    **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant stated that he was in his residence at a hotel when two officers came to his door and banged loudly on it with a baton. The complainant opened his door and the officers said they had a complaint of loud music and to turn the music down. The complainant told them he already turned his music down. The officers suddenly lunged into the room and arrested him for no reason. The officers stated in interviews that the complainant was sweating profusely and acting in an aggressive manner. There was another man in the room they could not see and were concerned that a crime may be in progress. They went into the complainant's room to detain him and the complainant resisted arrest. They arrested the complainant for resisting. A video taken outside the complainant's residence did not capture the actions of the complainant and officers. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated that he was in his residence at a hotel when two officers came to his door. After telling the complainant to turn down his music, the officers suddenly lunged into the room and grabbed the complainant. The officers handcuffed him, ripped his clothes and brought him downstairs. They then threw him into the police car. The officers stated that the complainant had resisted arrest and they used compliance techniques in order to arrest the complainant. A video taken outside the complainant's residence did not capture the actions of the complainant and officers. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/27/12    **DATE OF COMPLETION:** 11/30/12    **PAGE#** 2 of 4

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

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

**FINDINGS OF FACT:** The complainant stated that the officer wrote inaccurate facts in the incident report, such as that the complainant was inches away from the officer's face when they first made contact, that the complainant swung his fist at the officers on scene, and that the complainant was under the influence of "inhibitors." The officer stated that he believed all three of those statements in the report were true. A video taken outside the complainant's residence did not capture the actions of the complainant and officers. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer was lying about several parts of the incident. The officer stated that the complainant was inches away from the officer's face when they first made contact, that the complainant swung his fist at the officers on scene, and that the complainant was under the influence of "inhibitors." The officer stated that he believed all three of those statements to be true. A video taken outside the complainant's residence did not capture the actions of the complainant and officers. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/27/12    **DATE OF COMPLETION:** 11/30/12    **PAGE#** 3 of 4

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

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

**FINDINGS OF FACT:** The complainant stated that the officer used his baton in an inappropriate manner by twirling it, displaying the baton in an intimidating manner, and using the baton to beat on his front door excessively. The officer stated that he used his baton to knock on the complainant's door because the complainant was playing very loud music and wouldn't be able to hear the officer knock on the door otherwise. A video taken outside the complainant's residence showed that the officer was carrying the baton during the contact but did not conclusively show the officer twirling the baton or displaying it in an intimidating manner. The video did not capture the officer knocking on the door. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**SUMMARY OF ALLEGATION #8:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated that as he was being driven to county jail, the officer made a comment that included profanity. The officer stated that he did use profanity during the transport. The preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/27/12    **DATE OF COMPLETION:** 11/30/12    **PAGE#** 4 of 4

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

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

**FINDINGS OF FACT:** The officers did not make an entry into the Use of Force Log following an arrest in which the complainant was charged with resisting arrest. The complainant stated that the officers used unnecessary force during the arrest. The officers stated that they did not use any form of reportable force. The officers stated that they laid hands on the complainant but only for compliance and to make the arrest. A video taken outside the complainant's residence did not capture the actions of the complainant and officers. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/06/12    **DATE OF COMPLETION:** 11/21//12    **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The complainants stated officers used unnecessary force in assisting paramedics in bringing the co-complainant from his residential stairway to the sidewalk in front of his residence and onto a backboard for transport to a local hospital. The co-complainant admitted he was intoxicated but denied consuming controlled substances. The OCC conducted its own investigation. Based on available records and the statements of witnesses, the OCC found the co-complainant was obese, intoxicated and in an altered mental state. At the time of the incident, witnesses stated he became combative, and demonstrating unusual physical strength. The co-complainant would not cooperate with police and paramedics at the scene. Police officers utilized academy approved physical control methods and attempted to take the co-complainant to the ground, but due to his mental state and physique, he fell face down on the ground. The officers and paramedics secured the complainant to a backboard and transported him to a local hospital. The co-complainant had older, healing bruises on him when he was admitted and there was no evidence of any fresh bruising. The evidence proved that the acts which provide the basis for the allegations occurred, however, the acts were justified, lawful and proper.

**SUMMARY OF ALLEGATIONS #3-4:** The officers made inappropriate comments.

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

**FINDINGS OF FACT:** The complainants alleged the officers made inappropriate comments to their relatives. The complainants stated that during their response, officers had verbal contact with certain members of the complainants' family after a medical emergency occurred and a family member was transported to a local hospital. The officers denied the allegation. No independent witnesses came forward. 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:** 01/13/12      **DATE OF COMPLETION:** 11/06/12      **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 stated that the officer arrested him without cause. The officer stated that she saw a handgun on the floor of the complainant's vehicle, which was illegally parked, and that she searched the vehicle pursuant to the complainant's probation search condition. The officer stated she arrested the complainant for possession of an air gun, a collapsible metal baton and hypodermic syringes found in his car. The complainant admitted having a collapsible baton and syringes in his taxi but claimed the syringes were left there by a passenger. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #2:** The officer towed the complainant's taxicab without cause.

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

**FINDINGS OF FACT:** The complainant stated the officer towed his vehicle without cause following his arrest. The named officer stated she towed the complainant's vehicle following his arrest because it was parked illegally and there were no legal parking spaces in the area. The complainant admitted that his vehicle was parked partially blocking a crosswalk. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/13/12      **DATE OF COMPLETION:** 11/06/12      **PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated he was at a friend's house and that his vehicle was parked outside partially blocking a crosswalk. He stated that the named officer told his friend to ask the complainant to come outside and move his car or else it would be towed. The complainant stated the officer lied to his friend in order to cause the complainant to leave the house so she could arrest him. The named officer stated that she told the complainant's friend to have the complainant move his vehicle, but she did not specify whether she threatened to tow the complainant's car. The named officer's incident report stated she saw a vehicle she knew was registered to the complainant parked blocking a crosswalk. She stopped to investigate, looked inside the vehicle and saw a handgun on the floor. The named officer knew the complainant had a search condition as a condition of his probation. The named officer and her partner, along with two backup officers, waited for the complainant to exit a nearby residence he was known to frequent. When the complainant exited the residence, he was detained and handcuffed and later arrested for possession of illegal weapons and hypodermic syringes. The incident report does not describe any interaction between the named officer and the complainant's friend. The named officer's partner stated that the named officer told the complainant's friend that the complainant's car would be cited if he didn't move it. One witness officer stated he did not recall any conversation between the named officer and a resident of the house. Another witness officer stated he had no recollection of this incident. 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  
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**DATE OF COMPLAINT:** 01/13/12    **DATE OF COMPLETION:** 11/06/12    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officer arrested him without cause. The named officer stated she and her partner were surveilling the complainant's vehicle because they had information from an informant that the complainant might be selling narcotics. They detained the complainant when he approached his vehicle and searched him and the vehicle in connection with his probation search condition. The named officer stated she arrested the complainant after finding suspected marijuana on his person and finding prescription narcotics in the names of three individuals inside the complainant's vehicle. The named officer's partner confirmed her account of the incident. The complainant claimed the prescription narcotics belonged to a passenger who left them in his taxi. The evidence proved that the complainant was in possession of controlled substances in violation of the law and that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #2:** The officer has harassed the complainant.

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

**FINDINGS OF FACT:** The complainant stated he believes the named officer has a vendetta against him dating back to prior contacts, and unfairly targeted him on this occasion. He stated he believes the named officer followed him from the residence where he was staying to a restaurant where he purchased take-out food, detained and searched him and his vehicle and arrested him for possession of prescription medications that a passenger had left in his taxi. The named officer denied singling out the complainant for enforcement action. She stated she and her partner were surveilling the complainant's vehicle because they had information from an informant that the complainant might be selling narcotics. They detained the complainant when he approached his vehicle and searched him and the vehicle in connection with his probation search condition. The named officer stated she arrested the complainant after finding suspected marijuana on his person and prescription narcotics in the names of three individuals inside the complainant's vehicle. The named officer stated she had prior contacts with the complainant, primarily narcotics and domestic violence related, but provided no additional information about those incidents. The named officer's partner confirmed her account of the contact with the complainant during this incident. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/15/12 **DATE OF COMPLETION:** 11/15/12 **PAGE #**1 of 2

**SUMMARY OF ALLEGATION #1:** The officer made inappropriate comments and behaved in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant stated he was the “victim” in an incident where he had struck a car while riding his bicycle, but the officer threatened to arrest him for criminal activity. The three co-complainants supported the complainant’s statement. The paramedic stated the officer told the complainant that if the other party wanted to press charges, the complainant was going to be arrested.

The officer’s partner stated he was taking notes on the street and did not hear the officer make this statement but did hear screaming coming from the ambulance. He looked in and saw the complainant crying and yelling, “He hit me!”

The officer stated he told the complainant that the other party was thinking about filing a criminal complaint against the complainant and making a citizen’s arrest. The officer denied threatening to arrest the complainant. The officer stated that he did not have the authority to arrest the complainant for committing a misdemeanor outside of his presence.

In addition, one of the male co-complainants stated that when he asked the officer to take his witness statement, the officer replied, “I don’t care what you have to say.” The complainant and the female co-complainant stated they heard this comment.

The officer stated he was speaking with the complainant and the female co-complainant when the male co-complainant appeared and wanted to speak to the officer. The officer asked the male co-complainant if he had witnessed the collision, and he said he did not. The officer stated he asked the male co-complainant to “step over to the side” because he wanted to continue his conversation with complainant. The male co-complainant failed to comply and interrupted the conversation between the officer and the complainant. The officer stated he told the co-complainant, “I don’t want to hear that right now. Go back and sit on the curb where you’re supposed to be.”

There were no other available witnesses, video or other evidence to further prove or disprove the allegation.

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**DATE OF COMPLAINT:** 02/15/12    **DATE OF COMPLETION:** 11/15/12    **PAGE #2** of 2

**SUMMARY OF ALLEGATIONS #2-3:** The officers failed to conduct a proper investigation.

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

**FINDINGS OF FACT:** The complainant and co-complainant, a couple, stated the officer did not fully listen to their side of the story and did not take their full statements. They also stated a male co-complainant who witnessed the entire incident was not interviewed.

The paramedic who treated the complainant stated she did not recall the officer taking the complainant's statement. She stated she had no knowledge of any witnesses coming forward or of the officer refusing to take a statement.

The officer's partner stated the male co-complainant told him he did not see the collision and was "doing a lot of yelling."

The named officer stated the male co-complainant told him he did not witness the collision. The co-complainant complied with orders to sit on the curb and later disappeared.

There were no other available witnesses, video or other evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer failed to prepare a complete and accurate incident report.

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

**FINDINGS OF FACT:** The complainant and the female co-complainant stated the statements attributed to them in the incident report were inaccurate. Three bystander witnesses gave inconclusive statements as to the accuracy of the report. The named officer was interviewed by the OCC and stated that the report reflects the information that he gathered during his investigation.

There were no other available witnesses, video or other evidence to further prove or disprove the allegation.