

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/13 **DATE OF COMPLETION:** 02/13/13 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/04/13 **DATE OF COMPLETION:** 02/11/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence and information needed to investigate the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/13 **DATE OF COMPLETION:** 02/28/13 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Internal Affairs Division
850 Bryant 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: 04/03/12 **DATE OF COMPLETION:** 02/11/13 **PAGE #** 1 of 2

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 said he had been arrested even though the man he was with possessed drugs but the complainant did not. The named officers denied the allegation, stating their investigation indicated that the complainant had been in possession of drugs. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer behaved improperly.

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

FINDINGS OF FACT: The complainant said the named officer coached a man to name the complainant as the owner of illegal narcotics during a taped interview. The named and one witness officer denied the allegation. The Department stated that it no longer possessed the recording of the interview. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/03/12 **DATE OF COMPLETION:** 02/11/13 **PAGE # 2 of 2**

SUMMARY OF ALLEGATIONS #4: The officer filed an inaccurate report.

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

FINDINGS OF FACT: The complainant said the incident report falsely named him as possessing drugs when he had no drugs on his person when he was arrested. The named officer and a witness officer denied the allegation, stating their investigation indicated that the complainant had possessed drugs before giving them to another man. No other witness 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: 05/03/12 **DATE OF COMPLETION:** 02/21/13 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: The officer used profane language.

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

FINDINGS OF FACT: The complainant stated the officer used profane language toward him during a conversation regarding the release of his towed vehicle. A recording of the conversation proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant stated that the officer's behavior and comments were inappropriate during a conversation regarding the release of his towed vehicle. A recording of the conversation 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: 05/09/12 **DATE OF COMPLETION:** 02/19/13 **PAGE # 1 of 2**

SUMMARY OF ALLEGATION #1: The officer failed to follow the rules of the road.

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

FINDINGS OF FACT: The complainant stated the officer did not check for oncoming traffic prior to opening his patrol car door. The officer denied the allegation of failing to follow the rules of the road. The officer stated, while a passenger in a patrol car at a complete stop, he looked over his left shoulder, saw nobody in the roadway and opened his door to pursue a wanted parolee in the immediate area. The officer stated as soon as he opened his patrol car door, a bike rider ran into the door. The officer said he opened the patrol car door when it was reasonably safe to do so. The witness officer corroborated the named officer opened the patrol car door when it was reasonably safe to do so. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation of failing to properly investigate the traffic accident. The officer stated he interviewed the involved parties, measured the lanes and point of impact with his department rototape, noted a protrusion (Muni flaps at raised platform) in the lane of traffic and determined the cause of the traffic collision based on his investigation. The officer's managing witness concluded a different conclusion in regards to the primary collision factor of the traffic collision. However, the managing witness stated that accident reports are subjective and are the opinion of the onscene investigating officer. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/12 **DATE OF COMPLETION:** 02/19/13 **PAGE # 2 of 2**

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

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

FINDINGS OF FACT: The officer denied the allegation of writing an inaccurate report and denied that he was trying to protect the officers involved in the accident. The officer said he has handled thousands of accident reports in his career including officer-involved accidents. The named officer stated his investigations are objective and fair and he stands by all of his reports. The officer was certain that the Muni flaps were sticking out into the lane prior to the traffic collision, which reduced the width of the lane of travel. The officer concluded that the complainant was at fault for attempting to pass the patrol car without sufficient clearance. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the report was not completed in a timely manner. The complainant stated the officer was uncooperative, would not change the report and told the complainant he could follow up with the city attorney's office. The officer denied the allegation of inappropriate behavior and comments. The officer stated he submitted the traffic collision report in a timely manner to his supervisor, as required. The records management unit stated the report was scanned fifteen days after the date of the report. The officer stated the complainant threatened to file a complaint against him if he did not amend the traffic collision. The officer stated he told the complainant that he had already submitted the report and that he would have to file a claim with the city attorney's office. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/05/12 **DATE OF COMPLETION:** 02/12/13 **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 that he attempted to drop off evidence to Richmond Station and was refused. The complainant told the OCC that he had a video footage of his interaction with the officer at the station; however, he does not know where the video is and did not offer to look for the video. The complainant did not know the name of the alleged officer, but said it was the same officer(s) he had named in his original complaint that was mediated. It should be noted that the complainant's original complaint involves numerous incidents and numerous officers. An Officer Poll was sent to Richmond Station and the Commanding Officer was unable to provide the identity of the alleged officer. Two officers from the complainant's original mediated complaint, who were also working on this date, denied any recollection of having had contact with the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/12 **DATE OF COMPLETION:** 02/21/13 **Page #1 of 2**

SUMMARY OF ALLEGATIONS #1-2: The officers made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant and his fiancée were jaywalking across a busy street when they were detained by two officers, who allegedly accelerated their police car toward them. The officers ordered the complainant and his fiancée to return to the sidewalk. The complainant stated the officers made inappropriate comments to them while one of the officers wrote him a citation. The complainant said he requested “dashcam” information from the officers. One officer allegedly told the complainant such information was none of his business. The complainant stated the second officer told him that they were “trying to scare” him back onto the sidewalk. The officers denied the allegation. SFPD vehicles do not presently have video cameras on board. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #3: The officer improperly drove a SFPD vehicle.

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

FINDINGS OF FACT: The complainant stated the officer accelerated a marked patrol car toward him and his family and stopped very close to them. The officer denied the allegation. No 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: 05/21/12 **DATE OF COMPLETION:** 02/21/13 **Page #2 of 2**

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

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

FINDINGS OF FACT: The complainant was detained and cited by the officer for jaywalking. The complainant stated he asked the officer for his name. The complainant stated the officer told him his name was on his citation. The officer denied the allegation. He first stated he told the complainant his name and star number were on the citation. He then stated he pointed to his shirt and said “this is my star number and this is my name” and told the complainant the information was on the citation. The officer’s partner provided inconsistent statements. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #5: The officer failed to provide identification.

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

FINDINGS OF FACT: The complainant was detained and cited by the officer for jaywalking. The complainant stated he asked the officer for his name. The complainant stated the officer provided his name. The officer denied the allegation, stating he provided his name, number and assignment. No 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: 05/30/12 **DATE OF COMPLETION:** 02/22/12 **PAGE#** 1 of 5

SUMMARY OF ALLEGATIONS #1 - 4: The officers entered a room without cause.

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

FINDINGS OF FACT: The complainant said she was staying with a friend in his hotel room. The complainant said her friend was on probation and officers entered and searched the room. The complainant said the officers did not have a right to enter the room. The officers stated that the individual who rented the room was on probation and had a probation search condition and therefore they did not need probable cause to enter the room. The officers said they were investigating a complaint of illegal activity in the room. The evidence demonstrated that the registered occupant of the room was on probation with a search condition therefore the officers were within their rights to enter the room without probable cause. There were no other available witnesses. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #5 - 8: The officers searched a room without cause.

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

FINDINGS OF FACT: The complainant said she was staying with a friend in his hotel room. The complainant said her friend was on probation and officers entered and searched the room. The complainant said the officers did not have a right to search the room. The officers stated that the individual who rented the room was on probation and had a probation search condition and therefore they did not need probable cause to search the room. The officers said they were investigating a complaint of illegal activity in the room. The evidence demonstrated that the registered occupant of the room was on probation with a search condition therefore the officers were within their rights to search the room without probable cause. There were no other available witnesses. 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: 05/30/12 **DATE OF COMPLETION:** 02/22/12 **PAGE#** 2 of 5

SUMMARY OF ALLEGATIONS #9 - 12: The officers failed to identify themselves.

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

FINDINGS OF FACT: The complainant said she was staying with a friend in a hotel room and that plain clothed officers entered the room and did not identify themselves as police officers. The complainant said she was frightened by the four unidentified men entering the room. Three of the officers said they identified themselves as police officers and one of the officers did not recall if or when he identified himself but said the officer who entered the room first did identify himself as a police officer and that this officers badge was prominently displayed outside his clothing. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #13 & 14: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant said her friend rented the hotel room and she was his guest therefore she should not have been arrested and that she told the officers that the marijuana that was in the hotel room was hers and she showed them that she had a Physician Recommendation under the State of California Compassionate Use Act for the marijuana. The officers said that the amount of marijuana found in the room exceeded the amount authorized by the law. The evidence showed that not only did the amount of marijuana found in the room exceed the legal limit another illegal substance was found in the room as were indicia associated with the trafficking of narcotics. There were no other available witnesses. 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: 05/30/12 **DATE OF COMPLETION:** 02/22/12 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #15: The officer failed to read the complainant her Miranda Rights.

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

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

SUMMARY OF ALLEGATIONS #16 - 19: The officers seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant said that the property seized by the officers was never returned to her and that she is missing property not booked into evidence. The complainant said she has made no attempt to recover any of her property and that she did not return to the hotel to enquire about any property left behind in the room. The officers said the only property they removed from the hotel room is listed on the incident report and that any other property belonging to the complainant would have been left behind in the hotel room after the officers secured the door. The officers have no duty to secure property left behind in a hotel room when making an arrest of the occupant. There were no other available witnesses. 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: 05/30/12 **DATE OF COMPLETION:** 02/22/12 **PAGE#** 4 of 5

SUMMARY OF ALLEGATIONS #20 - 23: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant said her property and currency was commingled with her friend's property and currency during the officers search of the room. As a result the complainant stated that she lost her property. The complainant said she has made no effort to recover any of her property and that she did not return to the hotel to enquire about any property left behind in the room. The officers said the only property they removed from the hotel room is listed on the incident report and that any other property belonging to the complainant would have been left behind in the hotel room after the officers secured the door. The officers have no duty to secure property left behind in a hotel room when making an arrest of the occupant. There were no other available witnesses. 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 #24: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant said the officer placed his hand on his holstered gun in an intimidating and frightening manner without cause. The officer denied committing the alleged act. Even if the officer had acted in the alleged manner, under the circumstances presented to him at the time he would have been justified in having done so. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/12 **DATE OF COMPLETION:** 02/22/12 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #25: 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 #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/12 **DATE OF COMPLETION:** 02/27/13 **PAGE#** 1 of 3

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 he was waiting for the bus when a police car suddenly pulled up. The complainant stated he panicked due to Post-Traumatic Stress Syndrome and ran across the opposite side of the street. The complainant stated the two named officers exited their vehicle and pursued him. The complainant stated that after a foot chase, he was taken into custody and charged with resisting arrest and possession of narcotics, charges that the complainant denied. The officers denied the allegation and stated that they received a report of a suspicious person looking into parked cars. Additionally, the person, later identified as the complainant, was reported to have been “peering” into windows of parked cars and “pacing” around them. The complainant matched the description of the suspect and when the officers attempted to detain the complainant, the complainant ran. The officers stated that when they attempted to take the complainant into custody, the complainant resisted. After the complainant was taken into custody, the officers found narcotics during the search. The complainant was then booked for resisting arrest and for possession of narcotics. The reportee has not been identified. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was waiting for the bus when a police car suddenly pulled up. The complainant stated he panicked due to Post-Traumatic Stress Syndrome and ran across the opposite side of the street. The complainant stated the two named officers exited their vehicle and pursued him. The complainant stated that after a foot chase, he was taken into custody and charged with resisting arrest and possession of narcotics, charges that the complainant denied. The complainant stated that while being taken into custody, the officers used unnecessary force. The officers denied using unnecessary force during the arrest. The officers stated the complainant resisted, prompting both officers to use force. The force used by both officers was documented in the incident report and in the Use of Force Log. Additionally, the officers’ use of force was reported to their superior officer. No civilian witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/12 **DATE OF COMPLETION:** 02/27/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #5: The officer used a baton on the complainant.

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

FINDINGS OF FACT: The complainant stated the named officer struck him unnecessarily with his baton. The named officer and his partner stated that the complainant resisted, prompting the named officer to use his baton. No civilian witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated that the officer's account of what happened in the incident report was inaccurate. The named officer and his partner denied the allegation. No civilian witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/12 **DATE OF COMPLETION:** 02/27/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #7-8: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officers were simply harassing him. The officers denied the allegation. No civilian witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer failed to comply with DGO 5.01.

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

FINDINGS OF FACT: The complainant stated the officer struck him in the face with his baton. The named officer and his partner denied the allegation. No civilian witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/12 **DATE OF COMPLETION:** 02/27/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he parked alongside a curb for a brief moment so that he could use a nearby restroom. The complainant described the curb markings as a red stripe that said "MTA" in blue and included photos of the curb markings. The complainant stated he did not know what the curb markings meant. The complainant stated that the officer cited him for parking in a disabled parking spot. The complainant thought this was unfair since he is not familiar with San Francisco and their parking rules. The officer denied the allegation, stating that the complainant parked in a spot blocking a ramp for handicap usage. The officer further stated that the complainant acknowledged at the scene that he saw the handicap ramp and that the nearby building attendant told him the spot was intended for handicap access, but that the complainant ended his statement by saying, "I was only here a few minutes." No witnesses came forward. 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 behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officer was discourteous and unprofessional during their interaction. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/12 **DATE OF COMPLETION:** 02/04/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant, his wife and daughter said their vehicle was struck by an intoxicated driver who fled the scene of the collision and did not return. None of the parties were injured and the complainant said he accepted cash at the scene to cover the costs of the damage to his bumper. The complainant complained that the officers did not take a police report. The officers said they did not take a police report pursuant to Department policy, as there were no personal injuries, no damage to the complainant's vehicle, and because the driver of the second car returned to the scene and was not intoxicated. A bystander did not respond to the OCC's request for an interview. Department General Order 9.02 only requires officers to report vehicle accidents resulting in death or injury or hit and run vehicle accidents resulting in death/injury/property damage. There were no other identified witnesses. There is insufficient evidence to prove that the driver of the vehicle was intoxicated and fled the scene and did not return. 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: 06/26/12 **DATE OF COMPLETION:** 02/28/13 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated the officer behaved in an inappropriate manner and made inappropriate comments. The officer denied the allegation. There were no known witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant stated the officer made a racially derogatory comment. The officer denied the allegation. There were no known witnesses. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/12 **DATE OF COMPLETION:** 02/28/13 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated the officer pulled him out of the patrol car, put his hand around his neck and slammed him onto the ground. The complainant stated he sustained numerous lacerations due to the officer's use of unnecessary force. The officer denied the allegation and said that the force he used was necessary because the complainant resisted. The officer denied putting his hand around the complainant's neck as alleged. A sergeant responded to the scene and conducted a use of force investigation. The sergeant determined that the force used was necessary and not excessive. There were no known witnesses. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant admitted to being illegally double-parked and urinating on a public sidewalk when the officer pulled up. The complainant stated he told the officer that his driver's license was suspended and that he was on parole. The officer stated he stopped the complainant for running a red light. The officer's Incident Report documents that the complainant failed to stop at a red light and that the complainant urinated on the public sidewalk. SFPD Department General Order 5.03 allows an officer to briefly detain a person for questioning or request identification if the officer has reasonable suspicion that the person's behavior is related to criminal activity. The complainant admitted to violating the law. The officer had reasonable suspicion to detain the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, the acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/12 **DATE OF COMPLETION:** 02/28/13 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant admitted to double-parking, urinating on a public sidewalk, driving on a suspended license and being on probation. The complainant denied resisting arrest or running a red light. The officer stated that the complainant ran a red light and resisted. There were no known witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer searched the complainant without justification.

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

FINDINGS OF FACT: The complainant admitted that he was driving on a suspended driver's license. The officer stated he searched the complainant pursuant to a lawful arrest. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, the acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/12 **DATE OF COMPLETION:** 02/28/13 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The complainant was cited for running a red light, resisting arrest and driving on a suspended driver's license. While the complainant admitted to driving on a suspended driver's license, he denied running a red light and denied resisting arrest. There were no known witnesses. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer conducted a traffic stop. Department Bulletin 11-097, issued on May 4, 2011, requires officers to continue to collect traffic stop data after all vehicle stops. The officer could not explain the missing data and the SFPD Legal Division was unable to provide any traffic stop data made by the named officer on the day of the traffic stop. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/12 **DATE OF COMPLETION:** 02/12/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was at the Hall of Justice when the officer approached and detained him without justification. The officer denied the allegation. The officer stated the complainant spoke to him and a consensual encounter occurred between him and the complainant. The officer said he recognized the complainant from priors and the complainant approached him after the officer acknowledged him. The officer further stated the complainant wanted the officer to go with him to the I.D. Bureau to clarify his registration status. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force during the detention. The complainant alleged the officer struck him in the face, neck, and back areas along with being pushed, jabbed, and shoved. The officer denied the allegation. The officer stated he did not use any force or physical control on the complainant. The complainant had no visible injuries. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/12 **DATE OF COMPLETION:** 02/12/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer accused him of being a pedophile and that the officer said he did not like pedophiles. The officer denied the allegation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that he was placed in handcuffs. The officer denied the allegation. The officer said the complainant was never handcuffed during the incident. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/12 **DATE OF COMPLETION:** 02/12/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant stated the officer did not give him any forms after the incident. The officer stated he had a brief consensual encounter with the complainant who was not physically restrained and who was free to leave at anytime during the contact. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/12 **DATE OF COMPLETION:** 02/22/13 **PAGE#** 1 of 2

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 alleged he was arrested without cause. The complainant was a parolee at large and wanted on a no-bail warrant. The officers came to his residence to arrest him. The complainant admitted hiding from the officers. 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 used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged the officers used unnecessary force in the performance of their duties. The complainant was a parolee at large and wanted on a no-bail warrant for domestic violence. The officers came to his residence to arrest him. The complainant admitted evading arrest by climbing out a window and hanging onto a pipe outside the window. The complainant dropped to the ground and struck an officer when he landed. The complainant was taken into custody following a struggle with officers using reportable force they logged in the Use of Force Log. The complainant also alleged the officer's utilized unreported forms of force to take him into custody. The officers denied the allegation. No witnesses came forward. Based on the available evidence, 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: 07/02/12 **DATE OF COMPLETION:** 02/22/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #7: The officer made an inappropriate comment.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/12 **DATE OF COMPLETION:** 02/04/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said it was around midnight and the officers were in the dark hallway of a building located in an area of the city where crime is rampant. The complainant and his friend had just exited an apartment belonging to the complainant's female friend when two men, later determined to be police officers, shined flashlights in their faces and told them to place their hands in the air. Since the complainant could not see who these individuals were, the complainant thought he and his friend were going to be robbed or shot by unknown assailants. The officers stated they were conducting foot patrol in a public housing complex when they saw the complainant and his friend walking by. The officers said they did not block the complainant or the complainant's friend path of movement and they did not stop them. The officers said they merely engaged the complainant and the complainant's friend in casual conversation. The complainant and his friend responded. The casual questioning by the officers led the officers to observe the complainant's friend attempting to conceal a knife. The officers also determined the complainant was on parole. Incident to the parole search, one of the officers found a knife and a small quantity of suspected heroin on the complainant. Consequently, the officers arrested the complainant. No independent witnesses were developed to corroborate the complainant's allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/12 **DATE OF COMPLETION:** 02/04/13 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officer, while searching him at the scene of this incident, inappropriately ran his finger down the middle of his buttocks, inside the complainant's clothing and undergarments. At the same time he was performing the search, the officer allegedly asked the complainant, "You like this, punk?" The complainant stated he later experienced a stinging sensation near his anus, and requested medical attention. Officers transported the complainant to the hospital emergency room where he was seen by medical personnel who examined him and found no irregularities. The witness officer said he searched the complainant at the scene of this incident, while the named officer searched the complainant's friend. The officer's partner denied inappropriately touching the complainant and asking whether the complainant liked it. The named officer stated he performed a booking counter search of the complainant at the station. The counter search took place in the booking area, where video cameras are located, and entails a pat search as well as having the complainant remove his belt, shoelaces, etc. prior to being locked up. The named officer denied inappropriately touching the complainant near his buttocks and asking whether he liked it. 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: 07/16/12 **DATE OF COMPLETION:** 02/04/13 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was attacked by two people. When police arrived, she told them to check surveillance footage of the scene and to interview a witness but the officers did not. One officer stated that he conducted a thorough investigation but did not recall if he checked the footage or interviewed the witness. The other officer stated that he was not asked to conduct the investigation. 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 made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that she was attacked and wanted to press charges against two suspects. The complainant further stated that the officers tried to talk her out of pressing charges and that they acted rude. The officers denied saying anything to the complainant about not pressing charges. 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: 07/25/12 **DATE OF COMPLETION:** 02/14/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officers used excessive force in arresting him when the complainant posed “no true threat” to the officers. The officers stated they received and developed information about several robberies the complainant was suspected of having committed. They discovered the complainant was on probation for robbery, and they developed information about the complainant being a suspected drug user. The complainant was suspected of violently assaulting one of the victims. The officers also developed a cooperating individual(s) who indicated the complainant was an amateur Mixed Martial Arts (MMA) fighter, and directed the officers to a video of one of the complainant’s fights where it appeared the complainant broke the arm of another fighter. The officers discovered that, in another incident, the complainant had broken his roommate’s nose in an unprovoked attack. During this incident, the complainant boasted of being a kick boxer and displayed a handgun. The officers obtained court approval to place a tracking device on a vehicle used by the complainant. Officers performed surveillance on the complainant and saw him rob a young woman of her cellular telephone. Officers ran after the complainant, identified themselves as police and ordered the complainant to stop. The complainant refused to stop and struggled with the officers in an attempt to get away. The complainant admitted fleeing from the officers and struggling with them. The officers admitted striking the complainant several times about the face in order to subdue the complainant and counter the complainant striking them. 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: 07/25/12 **DATE OF COMPLETION:** 02/14/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3 & 4: The officers used a racially derogatory comment.

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

FINDINGS OF FACT: Third parties completed the Complaint Form on behalf of the complainant. The complainant provided the third party preparers with information that led the third party preparers to believe the officers used racial slurs to address the complainant. The complainant never responded to requests for an interview about this incident. The officers denied using or directing any racial slurs at the complainant. Officers arrested the complainant near a busy intersection where several business establishments were located. Additionally, this area had a lot of vehicular and pedestrian traffic at the time of the incident. Witnesses, who were not present for the entire time it took officers to subdue the complainant, stated they did not hear the officers use any racial slurs. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/12 **DATE OF COMPLETION:** 02/19/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that while on Mission and 3rd streets, a MUNI bus with hazard lights on was blocking his lane of traffic. He tried to get around the bus and went to the left lane but the bus started to move. The complainant stated that the bus momentarily blocked him from returning to his lane. He turned on his turn signal and waited for the bus to proceed forward. While doing so, an all-white unmarked SUV repeatedly honked at him. The complainant stated that the driver had no reason to hurry him up because there was no emergency of any kind. He described the driver of the SUV as a large Caucasian male in uniform. OCC investigation established that most of the Department's white unmarked SUVs are assigned to Crime Scene Investigations (CSI) and Narcotics Division. Polls sent to CSI and Narcotics did not establish the identity of the officer. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to promptly provide his star number.

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

FINDINGS OF FACT: The complainant stated that he asked the officer for his badge number but the officer refused to answer. No witnesses came forward. The identity of the officer was not established. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/31/12 **DATE OF COMPLETION:** 02/19/13 **PAGE** #1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she made a legal u-turn at an intersection. An officer pulled her over and gave her a citation. The officer stated that the complainant was making multiple illegal u-turns and was a danger to other drivers and pedestrians. 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 made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that an officer pulled her over and made several inappropriate comments, such as that she was a bad role model. The complainant also stated that the officer told her he would not testify against her if she did not file a complaint against him. The officer stated he tries to be a good role model but denied saying that the complainant was a bad role model. The officer also denied saying anything about talking her out of filing a complaint. 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: 05/31/12 **DATE OF COMPLETION:** 02/19/13 **PAGE #2 of 2**

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to enter E585 traffic data.

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

FINDINGS OF FACT: The Office of Citizen Complaints brought an allegation of failure to enter E585 information against the officer because the evidence initially showed that the information was not entered as required. The officer provided information that he did enter the traffic stop data. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/12 **DATE OF COMPLETION:** 02/22/13 **PAGE #** 1 of 3

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

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

FINDINGS OF FACT: The officer denied the allegation of arresting the complainant without cause. The officer stated while present at a demonstration, he and his supervisor made contact with the complainant for yelling at an unknown female. The named officer stated the complainant had a strong odor of alcohol coming from his body, had slurred speech, bloodshot and watery eyes and had an unsteady gait. The officer stated his supervisor told him the complainant was yelling and acting belligerent towards people during the demonstration. The officer stated he placed the complainant under arrest for being drunk in public and the complainant could not properly care for himself. The witness officer corroborated the named officer's account of the complainant being intoxicated, yelling and disturbing the public. A witness relayed the complainant did nothing wrong and was not intoxicated. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS # 2 - 4: The officers used unnecessary force at the police station

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

FINDINGS OF FACT: The officers denied the allegation of unnecessary force at the police station. The arresting officer stated while at the booking counter, the complainant became verbally and physically combative. The arresting officer stated the complainant swung around with his left elbow and struck him in his upper chest area while the complainant took a fighting stance towards the named officer. The officer stated he used force to take the complainant to the ground. The other named officers assisted the arresting officer with the complainant by restraining his upper and lower body. The officers corroborated the complainant continued to resist and struggle by kicking his legs and placing his hands to the core of his body to prevent being handcuffed. The arresting officer stated he used a baton and lightly struck the complainant's left elbow three times to gain control of his left hand. The arresting officer said an officer (no longer a member of SFPD) used a baton to pry the complainant's left arm from under his body and they handcuffed the complainant. One witness stated the complainant, though not resisting, would not stop talking; the police struck the complainant with a baton, which caused the complainant to collapse to the floor. The other witness stated the complainant would not cooperate with the arresting officer and was combative. The witness stated the officers were very professional and did a fantastic job with the situation at hand. Both witnesses corroborated that the complainant physically struck the arresting officer during the booking process. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/12 **DATE OF COMPLETION:** 02/22/13 **PAGE # 2 of 3**

SUMMARY OF ALLEGATION #5: The officer's made inappropriate comments

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

FINDINGS OF FACT: The officer denied that he made inappropriate comments to the complainant. The officer stated he did not make any rude comments toward the complainant while in the patrol car. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION # 6: The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The officer denied the allegation of inappropriate behavior by dissuading witnesses. The named officer stated the witnesses were not told to falsify their statements in exchange for being released from jail. The officer stated the witness's statements were written freely and voluntarily. The supervisor stated he directed the involved officers to complete written statements of what occurred and to gather statements from the witnesses.

One witness stated officers told him "verbatim" what he should write in his statement. The witness said technically, his statement is accurate, except he believed the complainant did not intentionally strike the officer in the jaw. The other witness stated his statement was absolutely correct and he was not forced to falsify his statement, nor was he promised any favors in return. The other witness stated he recalled the complainant actually threatening witnesses with retaliation if anyone dared to write a statement. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/12 **DATE OF COMPLETION:** 02/22/13 **PAGE #** 3 of 3

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to record an arrestee on the arrest log.

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

FINDINGS OF FACT: The officer stated he did not record the arrestee on the daily arrest log because the complainant was not booked at the station. The officer stated the complainant was transported and booked directly at the county jail. The officer stated as a station keeper, he is required to document individuals on the SFPD daily arrest log only when a person is booked at the police station. The SFPD Booking and Detention Manual dated July 2008 corroborated that the Daily Arrest Information Log is to be completed for the booking process, presumably at the police station. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/15/12 **DATE OF COMPLETION:** 02/22/13 **PAGE # 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated the officer's conduct and comments were inappropriate during a traffic stop. The officer denied that he yelled at the complainant or at an unidentified motorist during the traffic stop. The officer stated he observed the complainant violate a municipal traffic code by driving in a restricted lane for more than two city blocks. The officer said upon contact with the complainant she argued the validity of the posted signs. The officer said he cited the complainant for the traffic code violation and for a vehicle code violation. The officer stated the complainant brought up the volume of his voice and he explained that it was necessary for him to speak loudly and project his voice to be heard over the busy traffic area, environmental sounds and nearby construction. There is insufficient evidence to either prove or disprove the violation.

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

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

FINDINGS OF FACT: The complainant wrote she was driving in the left lane down a main street and was confused about the reason for the traffic stop. The officer denied that he issued a citation to the complainant without cause. The officer stated he observed the complainant travel in a restricted lane (right lane) for two city blocks. The officer stated the restricted lane is clearly posted by erected signs on every block and also marked on the roadway surface. There is insufficient evidence to either prove or disprove the violation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/15/12 **DATE OF COMPLETION:** 02/22/13 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #3: The officer used profanity during the traffic stop.

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

FINDINGS OF FACT: The complainant alleged the officer used profanity at an unidentified motorist near the traffic stop. The named officer denied that he used profanity towards the unidentified motorist while on a traffic stop with the complainant. The officer acknowledged that he raised his voice to be heard over traffic noise and construction in the area. There is insufficient evidence to either prove or disprove the violation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/12 **DATE OF COMPLETION:** 02/19/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The co-complainant prepared this complaint on behalf of the complainant; however, the co-complainant stated he did not witness the alleged physical altercation between the complainant and another acquaintance. The complaint states that a drunken and violent bully, twice the size of the complainant, beat the complainant. As a result, the complainant could barely walk and was diagnosed as having a concussion. The complainant and co-complainant went to the police station to file a police report and have the assailant arrested. The co-complainant alleged the officer was impatient in listening to the complainant's responses. The complainant added the officer refused to arrest the assailant, write an incident report, and forward the report to an Inspector for further investigation. In short, the co-complainant alleged the officer did not do anything about this incident. The co-complainant, who appeared to be acting as the complainant's guardian, refused to allow the complainant to submit to an OCC interview. The officer stated she interviewed the complainant who was intoxicated upon his arrival at the station and had sustained injuries to his face. However, the complainant said he did not know whether he sustained the injuries by being assaulted or falling down. The co-complainant frequently interrupted the officer's questioning of the complainant, urging the complainant to say he was assaulted. The complainant reportedly maintained he did not know how he received the injuries, which the officer indicated did not appear to be consistent with an assault. The officer prepared an incident report of the matter, forwarded the incident report for re-assignment, took photographs of the complainant's injuries, and asked the complainant whether he needed medical attention. The complainant refused medical attention. The officer explained to the complainant and co-complainant that based on the complainant's description of this incident, she could not arrest the alleged assailant. 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: 08/17/12 **DATE OF COMPLETION:** 02/25/13 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated she was drunk and not acting properly when the officer suddenly appeared and arrested her without cause. The officer stated he was alone and driving on a very busy thoroughfare when he observed some commotion. The officer saw the complainant was scaring nearby pedestrians who were walking along the sidewalk. The officer also saw the complainant behaving erratically and running in and out of busy vehicular traffic. Around the same time and unbeknownst to the officer, a frightened citizen called the 911 emergency telephone number to request police assistance. The citizen reported the same complainant was screaming obscenities and having a violent conversation with herself. The citizen saw the complainant strike another pedestrian in the head with a water bottle, and the citizen believed the complainant was going to attack other pedestrians. The officer radioed for assistance, exited his police cruiser and ran after the complainant who refused to comply with the officer's orders to stop. The officer eventually stopped the complainant, asked some basic questions for which he did not get any rational response, and determined the complainant met the criteria for a 5150 (mental health evaluation) detention. The officer requested other officers to transport the complainant to the hospital for psychiatric evaluation. 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: 08/17/12 **DATE OF COMPLETION:** 02/25/13 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant admitted she was drunk and not acting properly when officers, whom she could not identify or describe, suddenly appeared and beat her without provocation. The complainant said an unidentified officer(s) slammed her head against the trunk of the patrol car. The complainant said officers took her to the hospital for psychiatric evaluation, but doctors did not examine her for injuries. As a result of the alleged beating, the complainant said she suffered hearing loss, head contusions and fractured ribs. The officer, who was driving a patrol cruiser, saw that the complainant was acting erratically and frightening pedestrians who were walking near the complainant. Around the same time, a private citizen called police dispatch to report the out-of-control complainant assaulted a pedestrian. The officer stopped his patrol cruiser, radioed for assistance, exited the vehicle and ran after the complainant who refused to comply with the officer's orders to stop. Another officer arrived. The officers grabbed the complainant by the arms; took her to the ground in order to control her; handcuffed her and stood her up. The officer denied that he or any other officer struck the complainant, or slammed her head onto the trunk of the patrol car. The complainant's medical records for this incident were obtained and disclosed the complainant was mentally and physically evaluated. The medical records did not disclose the injuries the complainant reported. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3 - 5: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant admitted she was drunk and not acting properly. She was detained and taken to the hospital for psychiatric evaluation. She claims that at the time of her arrest, she had a gold vase, a gold ceramic planter pot, a gold box, small diamond earrings, cash, and documents relating to social services she was receiving. She stated, however, that she did not get these items returned to her when she was released from the hospital. The officers stated the complainant did not have the above items on her person when she was arrested and transported to the hospital. An independent witness did not see the complainant with any of the items described above when the witness reported the complainant's violent behavior to police. The witness said the complainant may have been carrying small pack, but the complainant attacked a pedestrian with a water bottle. No other 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: 08/20/12 **DATE OF COMPLETION:** 02/11/13 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant said the officer behaved in an inappropriate manner and made inappropriate comments. The officer denied the allegation. Witnesses who called the police also denied that the officer behaved inappropriately and/or made inappropriate comments toward the complainant. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The complainant said the officer engaged in biased policing based on sexual orientation.

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

FINDINGS OF FACT: The complainant said the officer engaged in biased policing based on sexual orientation. The officer was questioned relative to the OCC's biased policing protocol and denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/12 **DATE OF COMPLETION:** 02/28/13 **PAGE** #1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers issued a citation without cause.

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

FINDINGS OF FACT: The named officers denied the allegation, stating they saw the complainant run a red light. Two witness officers said they were not present at and did not witness what led to the citation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the named officers cited him, while releasing three other white cyclists who were pulled over at the same time, stating that the officers engaged in gender and race bias because the complainant is Hispanic and the released cyclists were two white males and a white female. The named officers said they could not recall the other cyclists who were detained with the complainant and if they were released or why, asserting they detained and cited the complainant only on the basis of his traffic violation. Department records at the time of the incident did not match the recollection of the complainant as to number of cyclists detained. Two witness officers stated they did not observe any biased policing. The Department stated that it no longer possessed the recording of the interview. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/12 **DATE OF COMPLETION:** 02/28/13 **PAGE** #2 of 2

SUMMARY OF ALLEGATIONS #5-8: The officers engaged in intimidating behavior.

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

FINDINGS OF FACT: The complainant said the officers surrounded him threateningly when he challenged the fairness of his citation. The named officers denied they tried to intimidate the complainant. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The four officers who acknowledged being at the scene of the incident denied they told or heard an officer tell the complainant they did not have to explain anything to him. No other witness came forward. There was insufficient evidence to identify the involved officer or either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/06/12 **DATE OF COMPLETION:** 02/07/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was cited for driving on a suspended license and for not having proof of insurance. The complainant denied these charges, stating that his license had been reinstated and that the officer would not allow him to get his insurance from the rear of the vehicle. The officer denied the allegation and stated that he relied on dispatch. Department records confirmed that dispatch told the officer that the complainant's driver's license was suspended at the time of the incident. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer seized property without justification.

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

FINDINGS OF FACT: The complainant stated that the officer kept his driver's license and failed to return his registration document. The officer confirmed that he seized the complainant's driver's license as required by DMV Form 310 and SFPD Form 164. However, the officer denied that he kept the complainant's vehicle registration. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/27/12 **DATE OF COMPLETION:** 02/04/13 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that she had a stay-away order against a neighbor. The neighbor violated that order and the complainant called police. The officer who arrived refused to file a police report despite her request for him to do so. The officer stated that he interviewed all parties involved. The neighbor stated that he did not violate the order. Another witness stated that he only heard the two interacting but did not see them. The officer stated that he determined no crime had occurred. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that an officer responded to her apartment after she called 911. The complainant asked for the officer's name and badge number and the officer refused to provide the information. The officer stated that the complainant asked and he provided his name and star number. He stated that the complainant wrote them down. 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: 09/27/12 **DATE OF COMPLETION:** 02/04/13 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that an officer responded to her call about a man who violated a stay-away order. The officer told her that he couldn't do anything except if she had been harmed. When the complainant asked the officer to file a police report, the officer tried to talk her out of it. The officer denied saying anything inappropriate and specifically denied making comments about her getting hurt or talking her out of filing a police report. 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: 10/01/12 **DATE OF COMPLETION:** 02/25/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she called 911 to report her wallet being stolen. The 911 operator sent two officers to her apartment to take her report. The complainant stated that after telling the officers what had happened, she was told that the incident was not a priority and that she could either file a report online or by phone. The complainant stated the officers left without taking her report. In their written responses, the officers stated they were unable to prepare a report because the complainant was uncooperative and refused to provide them with information. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately and/or made inappropriate comments. The complainant stated the officer lied, telling the 911 operator that the complainant had slammed the door in the officer's face. In his written response, the officer stated the complainant became irate and slammed the door without providing him with her information. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/12 **DATE OF COMPLETION:** 02/27/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer exhibited a rude attitude and/or demeanor.

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

FINDINGS OF FACT: In his written complaint, the complainant wrote, in part, that his girlfriend called the police after having a “heated verbal argument.” The complainant alleged that the responding officer was “extremely rude and disrespectful” towards him. In his written response, the officer denied the complainant’s allegation. The officer stated he was “calm and direct” during his interaction with the complainant. The complainant did not respond to OCC’s request for an interview. The reporting party’s phone number listed on the Event History Detail is no longer in service. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made racially derogatory comments.

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

FINDINGS OF FACT: In his written complaint, the complainant wrote, in part, that the officer’s “remarks were racist.” In his written response, the officer denied the complainant’s allegation. The complainant did not respond to OCC’s request for an interview. The reporting party’s phone number listed on the Event History Detail is no longer in service. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/8/12 **DATE OF COMPLETION:** 02/22/13 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated he was detained without justification. The officers detained the complainant based on a 911 call regarding a person trying to break into a house. Upon arriving at the location, the officers observed the complainant at the door of the residence, prompting the officers to detain the complainant. The evidence established that the officers had reasonable suspicion to detain the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, the acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant and his friend stated that an officer used unnecessary force. The named officer and other officers at the scene denied the allegation. Another witness denied the alleged use of unnecessary force. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/8/12 **DATE OF COMPLETION:** 02/22/13 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to provide his star number upon request. The named officer and other officers at the scene denied the allegation. There were no witnesses to either prove or disprove the alleged behavior. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer conducted a search without cause.

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

FINDINGS OF FACT: The complainant alleged that he was searched. The named officer and other officers at the scene denied the allegation. There were no witnesses to either prove or disprove the alleged behavior. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/8/12 **DATE OF COMPLETION:** 02/22/13 **PAGE# 3 of 3**

SUMMARY OF ALLEGATIONS #6, 7 and 8: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The named officer and other officers at the scene denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer used profanity.

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

FINDINGS OF FACT: The named officer and other officers at the scene denied the allegation. Witnesses did not hear any officer use profanity. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/12 **DATE OF COMPLETION:** 02/22/13 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated a female officer, while investigating a noise complaint, made inappropriate comments and engaged in inappropriate behavior. The officer denied the allegation of making inappropriate comments and behavior towards the complainant. The officer stated she had a duty to contact the reportee and the complainant to investigate the noise complaint and to resolve the issue. The officer stated the complainant was uncooperative by refusing to open her door and yelled at the officer for taking sides. The officer stated she advised the complainant of possible outcomes by explaining the reportee's right to file a citizen's arrest, if the matter continued and if merit was established. Furthermore, the officer stated she had no visual references of the complainant to establish a reason for asking about her welfare.

The witness officer corroborated the complainant was uncooperative by yelling at them through a closed door. The witness officer denied that the named officer took sides against the complainant, stating officers should advise parties of possible outcomes. The witness/reportee stated the female officer was attentive to her concerns. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/12 **DATE OF COMPLETION:** 02/14/13 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved improperly.

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

FINDINGS OF FACT: The complainant said an officer pounded on the top of her car. A search of records and poll of officers at two district stations that bordered the location the complainant gave for the incident failed to reveal the identity of an officer involved in the incident described. No witness came forward. There was insufficient evidence to either identify the involved officer or to 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 said an officer used profanity while pounding on her car, when she followed orders to proceed through a blocked intersection. A search of records and poll of officers at two district stations that bordered the location the complainant gave for the incident failed to reveal the identity of an officer involved in the incident described. No witness came forward. There was insufficient evidence to either identify the involved officer or to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/19/12 **DATE OF COMPLETION:** 02/27/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. The complainant failed to respond to OCC's request for an interview and failed to provide a date for which the alleged misconduct occurred.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/11 **DATE OF COMPLETION:** 02/04/12 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 3: The officers entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The entry and search were made pursuant to a valid search warrant. The complainant was provided a copy of the search warrant. The officers' conduct was proper.

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 was detained while officers conducted a search of his residence pursuant to a valid search warrant. The complainant was provided a Certificate of Release. The officer's conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/11 **DATE OF COMPLETION:** 02/04/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #7 - 9: The officers acted inappropriately.

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

FINDINGS OF FACT: The complainant stated he had just gotten out of bed when the officers entered his apartment. He stated the officers made him stay partially nude while they searched his apartment.

The senior named officer stated that when he arrived at the residence, the Tactical Unit had cleared the residence and moved the complainant into the hallway. The complainant was fully clothed. The officer stated he did not discuss the complainant's clothing with the Tactical Unit. The officer stated that in search warrant cases where residents are not fully clothed, the residence is cleared and the residents are allowed to dress.

The second named officer stated he could not recall whether the complainant was clothed or partially clothed. A named member did not know whether the complainant asked any officer if he could put clothing on. The third named officer stated the complainant was fully clothed when he first saw him.

A Tactical Unit officer stated that he breached the door and saw the complainant inside the apartment wearing only a sweater. The complainant was ordered into the hallway, where he was detained. A fourth officer stated he did not speak to the complainant.

A senior Tactical Unit officer stated the complainant was wearing only a shirt. He did not recall having any interaction with the complainant. The complainant did not ask this officer if he could get dressed. This officer did not recall the complainant asking any other officer if he could get dressed.

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: 10/26/12 **DATE OF COMPLETION:** 02/14/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that, on three occasions, the officer smiled at him and reached for his gun. The complainant failed to provide additional requested information. The officer stated he has not seen the complainant for well over a year. He denied the allegation. There were no identified witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/07/12 **DATE OF COMPLETION:** 02/04/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complainant stated while he was arguing with his landlord in an open garage, police arrived. The complainant stated his landlord falsely told the police that the complainant hit him. The complainant stated the officer failed to arrest his landlord for lying. The complainant further stated his landlord is trying to evict him from his rent-controlled apartment. The complainant's landlord, who is seventy-seven years old, stated the much younger complainant hit him several times during an argument. The complainant's landlord stated he told police he did not want to press charges. He further stated the complainant assaulted him in the past and he now has a restraining order against the complainant. He acknowledged that he is attempting to evict the complainant. The reporting officer and the named officer each stated that the complainant's landlord told police that the complainant hit him. Under Department policies and procedures, the named officer did not have a duty to arrest the complainant's landlord. The officers actions were proper.

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

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

FINDINGS OF FACT: The complainant stated that during an investigation, the named officer spent more time speaking to the complainant's landlord than to the complainant. The complainant stated this proved that the officer was biased. The named officer was questioned relative to the OCC's biased policing protocol and denied the allegation stating he responded as back-up and did not speak to either party during this investigation. The reporting officer supported this statement. The complainant's landlord stated he did not speak to a male officer during the investigation. The length of time spent speaking to one party during an investigation is not an indicator of racial bias. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/20/12 **DATE OF COMPLETION:** 02/07/13 **PAGE#** 1 **of** 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 23, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/12 **DATE OF COMPLETION:** 02/22/13 **PAGE #** 1 of 5

SUMMARY OF ALLEGATIONS #1 - 3: The complainant was detained without justification.

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

FINDINGS OF FACT: The complainant stated he was improperly stopped and questioned while walking in a residential area. The officers stated they received a call from dispatch providing a description of the complainant, who was acting suspiciously as if he was casing homes in the area. The reporting party, who was an off-duty SFPD officer, corroborated the identity of the suspect once the officers arrived on scene.

Based on information from dispatch, as corroborated by an off-duty police officer, the officers acted appropriately when they detained the complainant for investigation. The detention became more extensive when the complainant admitted he was on parole and the officers conducted a parole search.

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 #4: The complainant was detained without justification.

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

FINDINGS OF FACT: The officer is no longer available or subject to department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/12 **DATE OF COMPLETION:** 02/22/13 **PAGE #** 2 of 5

SUMMARY OF ALLEGATIONS #5 - 7: The complainant was searched without cause.

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

FINDINGS OF FACT: The complainant alleges the officers searched him without probable cause. The complainant stated that he admitted to the officers he was on parole. The officers denied the allegation, stating they searched the complainant after determining the complainant was on parole. The search was lawful based on the complainant's own admission and waiver of fourth amendment rights as a parolee. 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 #8: The complainant was searched without cause.

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

FINDINGS OF FACT: The officer is no longer available or subject to department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/12 **DATE OF COMPLETION:** 02/22/13 **PAGE #** 3 of 5

SUMMARY OF ALLEGATIONS #9 - 11: The complainant's property was searched without cause.

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

FINDINGS OF FACT: The complainant stated the officers searched his property without probable cause. The complainant admitted to the officers he was on parole. The officers denied the allegation, stating they searched the complainant's property after determining the complainant was on parole. The search was lawful based on the complainant's own admission and waiver of fourth amendment rights as a parolee. 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 #12: The complainant's property was searched without cause.

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

FINDINGS OF FACT: The officer is no longer available or subject to department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/12 **DATE OF COMPLETION:** 02/22/13 **PAGE #** 4 of 5

SUMMARY OF ALLEGATIONS #13 - 14: The officers behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officers behavior and comments were inappropriate because they treated him disrespectfully. The officers denied the allegation stating they treated the complainant with respect. No independent witnesses came forward. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION # 15: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The officer is no longer available or subject to department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/12 **DATE OF COMPLETION:** 02/22/13 **PAGE #** 5 of 5

SUMMARY OF ALLEGATION #16: The officer's conduct was retaliatory.

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

FINDINGS OF FACT: The complainant made an additional statement describing a later contact with the officer, who the complainant alleges tried to intimidate him in a grocery store in retaliation for filing a complaint with the Office of Citizen Complaints. The officer denied the allegation. The officer stated that, before receiving notice of the complaint filed against him, he greeted the complainant in a grocery store in a brief and friendly manner. No independent witnesses came forward. The investigation failed to disclose sufficient 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: 11/21/12 **DATE OF COMPLETION:** 02/15/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer is no longer available or subject to department discipline.

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

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

FINDINGS OF FACT: The officer is no longer available or subject to department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/12 **DATE OF COMPLETION:** 02/15/13 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officer is no longer available or subject to department discipline.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The officer is no longer available or subject to department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/12 **DATE OF COMPLETION:** 02/15/13 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was improperly detained by two police officers while riding his bicycle in an unspecified location on an unknown date. The complainant failed to describe the officers with enough specificity to allow the Office of Citizen Complaints to identify the officers.

The Office of Citizen Complaints found no information related to the incident while reviewing Department Records, information received from San Francisco General Hospital, and information received from the Federal Government. The complainant failed to provide additional requested evidence needed to investigate the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officers who detained him were rude. The complainant failed to describe the officers with enough specificity to allow the Office of Citizen Complaints to identify the officers. The complainant failed to provide additional requested evidence needed to investigate the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/12 **DATE OF COMPLETION:** 02/15/13 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that, on an unknown date, the officers used excessive force, causing the complainant to suffer injuries and obtain medical treatment. The complainant failed to describe the officers with enough specificity to allow the Office of Citizen Complaints to identify the officers.

A review of Department Records and information received from San Francisco General Hospital revealed no information related to the alleged incident. The complainant failed to respond to multiple requests for a signed Health Insurance Portability and Accountability Act release needed to further investigate his medical records to corroborate his allegation of injury. The complainant failed to provide additional requested evidence needed to investigate the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/10/12 **DATE OF COMPLETION:** 02/19/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said he entered an intersection before the light turned yellow. The officer said he observed the complainant enter after the light turned red. A witness who was in the complainant's vehicle did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer's behavior was intimidating and he made several comments that were unrelated to the violation and were therefore inappropriate during the citation process. The officer denied the allegation. A witness who was in the complainant's vehicle did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/12 **DATE OF COMPLETION:** 02/07/13 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/13 **DATE OF COMPLETION:** 02/04/13 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant stated that approximately ten years ago, he observed a woman standing on the sidewalk and wanted to assist her. He believed that she was a prostitute and that he could help her from the area where she did not appear to fit in. When he spoke to the woman, the complainant stated that she asked him to agree to an act of prostitution. The complainant stated that he did not want to do this, but eventually said “alright” to her. The female was an undercover SFPD officer and the complainant was arrested on a charge of solicitation of prostitution. The evidence proved that the act complained of did occur, however the complainant’s arrest was appropriate and lawful as he acted in furtherance of an act of prostitution when he said “alright” to the undercover officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/13 **DATE OF COMPLETION:** 02/12/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant requested to withdraw his complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/18/13 **DATE OF COMPLETION:** 02/12/13 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant stated that SFPD officers have put a computer chip inside her head and use it as a tracking device. This complaint raises matters not rationally within the OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: