

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/21/12 **DATE OF COMPLETION:** 01/30/13 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The named officer was the senior ranking officer at the scene. The complainant's wife lives in public housing and her husband was causing a disturbance at her apartment, prompting her to call the police. The complainant's wife told the police that the complainant was trespassing and she wanted him out. The complainant's wife signed a Citizen's Arrest form. The complainant was arrested pursuant to SFPD Department General Order 5.04, Arrests By Private Persons. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**SUMMARY OF ALLEGATIONS #2-4:** The officers used unnecessary force during the arrest of the complainant.

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

**FINDINGS OF FACT:** The complainant stated the officers threw him onto the ground, twisted his arms and applied unnecessary force to his back during his arrest. The complainant denied resisting the officers. Witnesses stated they believed the officers used unnecessary force by throwing the complainant onto the ground and using unnecessary force to hold him on the ground. The officers admitted to using control techniques to gain compliance from a verbally and physically resistant complainant and said that the techniques were reasonable and necessary under the circumstances. The witnesses said the complainant did not resist. However, the witnesses described the complainant as being loud and causing a commotion at the housing project. Department General Order 5.01 permits officers to use reasonable force to make an arrest and prohibits officers from using unnecessary force. No other witnesses came forward. There was insufficient evidence to either prove or disprove that the officers used unnecessary force.

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

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

**FINDINGS OF FACT:** The complainant stated the officer intentionally pulled the complainant's necklace, breaking it. The named officer recalled the complainant stating that his necklace was missing at the station and recalled an item being picked up off the ground at the arrest scene but did not know what was picked up or what happened to it. Witness officers did not recall seeing a necklace. None of the other witnesses recalled a necklace from the incident. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #6:** The officer used a racial slur.

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

**FINDINGS OF FACT:** The complainant stated the officer used a racial slur during the arrest. The reporting party said she heard the officer use a racial slur. The named officer denied the allegation. A neighbor said she heard the officer use a racial slur. Another neighbor provided a statement to a San Francisco Public Defender investigator reporting that he heard the officer use a racial slur. The witness did not respond to the OCC's requests for an interview. Three witness officers denied hearing the named officer use the alleged racial slur. Department General Order 2.01 prohibits officers from using harsh, profane or uncivil language. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainants were cited for trespassing. The primary complainant stated he does not need his neighbor's permission to enter their property based on the doctrine of "prescriptive easement." Video recordings of the interactions between the complainants and property owners as well as with several officers established by a preponderance of the evidence that the complainants misrepresented facts to police dispatch, and were trespassing. The officer's citations were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #2:** The officer failed to prepare an accurate report.

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

**FINDINGS OF FACT:** The complainant stated the officer reported his observations of the complainants and the reporting parties at the police station in an inaccurate manner. The report filed, however, was not a report of a crime but a courtesy report of a civil dispute between property owners. Therefore, it was appropriately entitled a suspicious occurrence. The acts that provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant stated the named officer did not provide her with the opportunity to give her side of the story, did not listen to the victim in a domestic violence incident when the victim asked the officers not to arrest the complainant and said the named officer should have known the complainant could not hurt the victim due to the victim's larger physique. The named and one witness officer denied the allegation, stating the named officer gathered verbal and written statements from the victim and the complainant, found physical evidence, interviewed the sole witness at the scene and determined he had not been present for the physical altercation. Department records and OCC interviews indicated the investigation was adequate and accurately reflected in the incident report. The evidence proved the acts that provided the basis for the allegation occurred, but that those acts were lawful, proper and justified.

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

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

**FINDINGS OF FACT:** The complainant said she should not have been arrested because her admitted victim was smaller than she is and he asked the officers not to arrest her. The named and one witness officer denied the allegation, stating that Department regulations and state law required the arrest of the complainant. The OCC interviews of the complainant and the victim of the crime for which the complainant was arrested provided adequate evidence to justify the arrest of the complainant. Department and legal records supported the named officer's position regarding the arrest. No other witness came forward. The evidence proved the acts that provided the basis for the allegation occurred, and the acts were lawful, proper and justified.

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

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

**FINDINGS OF FACT:** The complainant stated that during the course of his arrest, the officer took his California Identification card. When he was released from custody, his Identification card was not returned to him. The officer stated that he has no specific recollection of what he did with the Identification card but that his ordinary practice would be to put everything in a bag and book it at the precinct. The Station Keeper stated that he booked the complainant and processed his property, but that he did not come into contact with the complainant's Identification. The complainant signed his property receipt, which makes no mention of his Identification. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The named officer denied the allegation. One witness officer said he did not speak to or hear the complainant speaking to the named officer. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

**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 named and one witness officer denied the allegation. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the officer cited him without cause. The officer observed the complainant with his seatbelt improperly buckled, in violation of applicable law. The complainant admitted to the OCC that his seatbelt was improperly buckled, worn without his left arm and shoulder covered by the shoulder harness portion of his belt. The evidence proved that the acts, which provide the basis for the allegations occurred, however, the acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant stated the officer was rude and obnoxious, stating the officer kept interrupting him with rapid fire orders to sign the citation. The complainant stated he wanted to have a conversation with the officer and the officer would not speak to him. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**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 failed to contact the Department of Emergency Communications (DEM) that he was performing a traffic stop, along with his location. The officer failed to run the complainant's driver license for wants and warrants through the California Law Enforcement Telecommunications System (CLETS). The officer also failed to run the complainant's license plate through CLETS. The officer denied the allegation. The officer's failures to act constituted violations of the San Francisco Police Department's Department General Orders, the SFPD's most recent Field Training Manual and recognized officer safety procedures for traffic stops. 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 #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated the officer abused him and used excessive force. The complainant admitted he was under the influence of alcohol. The complainant said he acted out and became belligerent toward the officer who responded to the holding cell he was in. The complainant recalled he demanded from the officer his handcuffs be taken off but could not recall the rest of the incident. The complainant stated he woke up at the hospital and he did not recall how he received or sustained his injuries. The officer denied the allegation. The officer said he heard banging and yelling sounds from complainant who was held in the cell. The officer said he entered the cell to further investigate and check on the complainant's welfare and the complainant attacked and struck him. The officer stated he used a distraction blow to the complainant's face area in order to prevent further assault by the complainant. The officer's actions were documented in the police report as well as the use of force log. The officer said other officers responded to assist and subsequently the complainant was transported to a nearby hospital for medical attention. There were no witnesses in the holding cell with the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated the officer failed to protect him. The complainant stated he was prone on the ground when his victim assaulted him. The complainant stated he told the officer he wanted to press charges against his victim, but the officer refused to take any action. The officer denied the allegation. The officer stated the complainant's victim notified him regarding a robbery with a weapon and identified the complainant as the suspect. The officer stated the complainant was on the ground when his victim unexpectedly assaulted him. The officer stated he immediately ordered the victim back and called for back up units. The officer stated during his OCC interview that he did not actually see the physical contact between the victim and the complainant but documented the assault in his incident report for the District Attorney to review. The officer stated the complainant did not tell him he wanted to press charges against the victim and that it was up to the complainant to pursue the matter with the District Attorney's (DA) Office. The officer and a SFPD subject matter expert stated an officer in this incident had the discretion to detain or cite the victim, or to document the incident in a police report, leaving it up to the DA to decide whether to bring charges against the complainant's victim. No witness came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**DATE OF COMPLAINT:** 04/27/12    **DATE OF COMPLETION:** 01/04/13    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that he had an argument with other residents of his SRO. An officer responded and 5150'd the complainant. The officer stated that he did not arrest the complainant but he did place him under a 5150 W&I hold. The complainant had spat on someone and was extremely agitated and irrational. The sergeant on scene approved the hold because he believed the complainant was a danger to others. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer used profanity. The named officer and a witness officer denied the allegation. A witness stated that he never heard the officers speaking inappropriately and none of the tenants who witnessed the interaction complained about the language and conduct of the police. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer made sexually derogatory comments. The named officer and a witness officer denied the allegation. A witness stated that he never heard the officers speaking inappropriately and none of the tenants who witnessed the interaction complained about the language and conduct of the police. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**SUMMARY OF ALLEGATION #4:** 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 left him in the back of the patrol car for 40 minutes at over 100 degrees in temperature. The officer stated that the complainant was placed in a patrol car awaiting a sergeant per his own request and to have A.C.C. take possession of his dog. The sergeant stated that he was present from the time the complainant was placed in the car to the time they drove off and that it was only long enough for the officer to explain what was happening and to get approval for the 5150 detention. A witness stated that the complainant may have been in the patrol car for half an hour but that he guessed that had something to do with the arrangements being made to care for the complainant's dog. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated she was cited for excessive use of her horn. The complainant acknowledged that she honked her horn three times to get her mother's attention. California law states that a horn shall not be used other than to give audible warning when reasonably necessary to insure safe operation of a vehicle. The officer denied the allegation and stated that he heard the complainant honk her horn at least six times. The evidence proved that the acts, which provided the basis for the complaint, occurred; however, such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer screamed at her, and told her mother to shut up. A passenger in the complainant's vehicle described the officer as angry and stated that he yelled at the complainant and the complainant's mother. The officer denied the allegation, stating that he used a stern voice because the complainant's radio was loud. He denied telling the complainant's mother to shut up, stating that he asked her to please be quiet so that the complainant could hear him speak. He also stated that he requested that the complainant turn down her radio. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS # 1-2:** The officers failed to properly investigate the report of a stolen boat.

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

**FINDINGS OF FACT:** The officers denied the allegation. The named officers properly completed the stolen/recovered report of the missing boat from the complainant, located the stolen boat and the motor belonging to the complainant and conducted an ongoing investigation of possible suspects. One of the named officers completed a supplemental report involving the continued investigation. The SFPD Marine Unit properly notified the complainant of the recovery of his boat and motor. The short delay in locating the complainant's boat was due to an oversight of the towing agency. The evidence showed that the officers' actions were proper.

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

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

**FINDINGS OF FACT:** The complainant stated the officer failed to provide him with copies of the report and form he completed in regards to his alleged stolen boat. The officer denied the allegation. The officer stated he informed the complainant verbally and provided him with the Reportee Follow Up form, which provides the case number and the information on how to obtain a copy of the report. The officer stated that the Department requires a specific procedure for an individual to obtain a report by either making a request through the mail or in person at the Records Bureau. The complainant stated that he was out of the country for a significant amount of time during the investigation. The tow company stated that as of 12/14/12, the boat was still on their property and available for release to the complainant despite the fact that the towing company had received permission from DMV to sell the boat which has been in the tow yard for approximately one year. The evidence showed that the officer's actions were proper.

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**SUMMARY OF ALLEGATIONS #1-2:** The officers conducted a traffic stop without cause.

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

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

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

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

**FINDINGS OF FACT:** The named and four witness officers denied the allegation. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #4:** The officer used unnecessary force during an arrest.

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

**FINDINGS OF FACT:** The complainant wrote that he was brutalized but failed to provide additional requested information identifying the involved officer(s). Five officers at the scene denied the allegation. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #5:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant wrote that the named officer broke his car window without necessity because he tried to put his documents out the window. The named and four witness officers at the scene denied the allegation, stating that the named officer had to break the window because the complainant refused to open the car after a traffic stop, was resisting arrest, and created an officer safety situation. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that she phoned police from a bar because another patron was abusing and harassing her and she felt she needed protection. One named officer stated that he received a call of a possible drunk driver and found the complainant near her car in an intoxicated state. She refused a ride home and was unfit to care for herself so she was handcuffed and taken to jail because she was drunk in public. The other named officer stated that he observed symptoms of intoxication in the complainant and that she refused to be driven home or have someone come pick her up. She was handcuffed and taken to jail for public intoxication. A witness stated that the complainant had become belligerent and completely out of control in the bar and then had gone to her car so he called police out of fear that she was unfit to drive. Another witness stated that the complainant spit on him in the bar and engaged in a verbal altercation with him. He saw her resisting arrest when the officers attempted to handcuff her. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that one officer punched her in the right eye and punched her in the mouth as soon as he approached her outside of the bar. One of the arresting officers stated that the complainant struggled while being handcuffed but that he never punched her or used unnecessary force in anyway and neither did his partner. The other arresting officer stated that the complainant resisted arrest but that neither officer punched her or used unnecessary force in securing her hands. A witness stated that he observed the complainant resisting arrest but did not see either officer punch her. No other witnesses came forward. There was insufficient evidence to establish the identity of the alleged officer who allegedly used force. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that one officer made racist remarks to her regarding her accent, skin color, and legal status. One named officer stated that he knew the complainant's ethnicity from the CAD but that he did not remark about her ethnicity and her race was not a factor in her arrest. The other named officer stated that he was unaware of the complainant's race and that neither he nor his partner commented on her race nor did it affect his decision to detain her for public drunkenness. The officers were questioned relative to the OCC's biased policing protocol and the officers denied the allegation. A witness stated that the complainant raised her ethnicity as an issue inside the bar in her arguments with another patron. Another witness stated that the complainant brought up her race inside the bar before the officers arrived and suggested that her race was superior. The witnesses could not hear the conversation between the officers and the complainant and thus could not speak to whether the issue of race came up between them. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that one officer was very angry in how he treated her and that the officer questioned why she had called police. One named officer stated that he remained calm in dealing with the complainant and did not have any ill intention in trying to ask her why she had called the police while trying to decipher what was happening when he arrived at the scene. The other named officer stated that he also remained calm and that he asked her what was going on. Dispatch had said that she had called police (in addition to another party) and at that time the officer did not know why she had called. The witnesses were 50 yards from the police encounter and could not hear the conversation between the officers and the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #8:** This complaint raises matters outside OCC's jurisdiction.

**CATEGORY OF CONDUCT:** CRD      **FINDING:** I/O1      **DEPT. ACTION:**

**FINDINGS OF FACT:** This complaint raises matters outside OCC's jurisdiction. A copy of the complaint has been forwarded to the San Francisco Sheriff's Department Internal Affairs Division.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**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 is harassing his family about a robbery in the neighborhood and was rude during his contacts even though he and his family were not a witness to anything. The officer denied the allegation. The complainant's sister did not respond to OCC requests for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-4:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated that officers responded to her 911 call regarding her upstairs tenants being noisy. The complainant stated she wanted the officers to tell the upstairs tenants to stop partying and to stop making noise. The complainant said that when the officers arrived there was no noise coming from the tenants and that the tenants did not answer the door when the officers knocked. The officers all stated that there was no noise coming from the residence when they were on scene. The officers stated that the complainant wanted them to talk to the tenants regarding the noise problem however no noise was emanating from the tenant's residence. The officers stated that there was no criminal activity and that the matter was a landlord tenant civil matter. The officers eventually spoke to one tenant on scene after the complainant unlawfully entered the tenant's residence. The evidence proved that the acts that provided the basis for the allegations occurred, however the acts were proper and the officers followed department policy and procedures.

**SUMMARY OF ALLEGATIONS #5-7:** The complainant alleged the officers threatened to arrest her.

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

**FINDINGS OF FACT:** The complainant said the officers threatened to arrest her after she used her keys to enter the tenant's property. The complainant stated that she has the right to enter property she owns at any time. She later stated that she also entered the property because it was an emergency to check on the well being of the tenants who did not answer their door when officers knocked on the door. The complainant stated that the officers were all crazy for telling her she could not enter property she owned. The officers stated that the complainant used her keys to unlawfully enter her tenant's residence as she did not have the tenant's permission to enter and had not provided the tenant's any notice regarding her entry. The officers all stated that the complainant violated the law in their presence and that they advised her she could be subject to arrest for the unlawful entry. The tenants did not want any police actions on the unlawful entry. The evidence showed that the act which provided the basis for the allegation, did occur, however, the officer's action were proper when they advised the complainant she could be arrested.

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**SUMMARY OF ALLEGATIONS #8-11:** The officers behavior and comments were inappropriate.

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

**FINDINGS OF FACT:** The complainant stated that the officers yelled at her, stood too closely to her, made inappropriate comments and shined a light on her home. The officers denied the allegation. One officer stated a light was shined on the front of the complainant's residence for officer safety reasons during the night time contact. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/21/12    **DATE OF COMPLETION:** 01/28/13    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to properly process property.

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

**FINDINGS OF FACT:** While being booked, the complainant questioned one of the arresting officers about his money. The prisoner told the officer he had \$7,000 in his backpack, which was in his vehicle. The complainant failed to respond to contact attempts by the OCC.

One of the named officers stated he conducted a cursory search of the complainant's backpack at the scene of the arrest. He found narcotics, a scale and semi-automatic handgun but did not locate any money. The Department provided photos of the narcotics, scale and handgun. This officer stated he did not locate any money during a second search of the backpack at the station.

The second named officer stated the complainant questioned him about money in a backpack while he was being booked. The second named officer stated he conducted a search of the complainant's vehicle, which had been towed to Pier 70. The officer stated he located \$3,500 inside the bottom of a backpack, wrapped in white paper inside an envelope. He denied stealing money from the complainant.

A sergeant stated he participated in the search of the backpack at Pier 70. He stated \$3,500 was located.

A lieutenant stated the complainant told him that he had \$3,500 in an envelope and \$2000 wrapped in a bank wrap and an additional \$1,500 scattered inside his backpack. The complainant told the lieutenant he had left the backpack unattended in his vehicle. The lieutenant stated he gave the complainant the option of filing a citizen's complaint and the complainant declined. The lieutenant further stated the complainant did not accuse any officer of stealing his money.

In taped interviews with the Department, the complainant and his two companions discussed the narcotics and weapon but made no mention of the complainant's money. The complainant told the interviewing officer he had purchased the gun that morning and the narcotics were for his personal use.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/30/12      **DATE OF COMPLETION:** 01/18/13      **PAGE #** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer's conduct was threatening and intimidating.

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

**FINDINGS OF FACT:** The officer denied the allegation. The officer stated it was the complainant who yelled and interrupted him while he tried to explain that littering was a violation at the airport. The officer stated he even became fearful of the angry crowd that had gathered around them. The officer said he displayed his badge located on his belt when the complainant asked who he was and whether he worked at the airport. The officer also denied speaking in close proximity to the complainant's face. The witness corroborated the complainant's account of the officer's behavior. There is insufficient evidence to either prove or disprove the allegation. There were no independent witnesses.

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

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

**FINDINGS OF FACT:** The officer denied the allegation of a prolonged detention. The officer stated the complainant requested to speak with management and a supervisor to protest the issuance of the citation. Bearing in mind the distance traveled to different locations within the airport and the airport regulations, the detention was reasonable. The witness stated the detention lasted between forty-five minutes to one hour. The complainant corroborated he refused to sign the citation and requested a supervisor. 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:** 05/30/12      **DATE OF COMPLETION:** 01/18/13      **PAGE #** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant stated he was eating sunflower seeds and putting the used shells on the bench seat beside him. The officer denied the allegation stating the citation was issued with cause. The officer said he observed the complainant dumping or spitting sunflower seed shells on the table, bench or on the ground, which is a violation of the airport rules and regulations. Airport rules and regulations have very strict guidelines in regards to littering and feeding birds, animals, etc., which is a sanitary and safety concern at the airport due to possible bird strikes on airplanes. The supervising officer responded to the cab staging area in question and saw sunflower seed shells on the ground and table area and saw pigeons milling around. The witness stated he placed his sunflower shells in his hand, while the complainant placed his shells beside him. The witness said none of the complainant's sunflower shells fell on the ground. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to take an OCC complaint.

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

**FINDINGS OF FACT:** The complainant stated he made the supervising officer aware that he wanted to protest the citation and to file a complaint. The complainant stated the officer took his contact information and said he would look further into it and he did not know what else they could do about the complaint. The officer denied the allegation. The officer stated "The complainant refused my offer to him to take a complaint on the date in question, and did not follow up with me." The witness stated when they left the police station to visit the airport taxi office, they were told to file a complaint against the officer. There is insufficient evidence to either prove or disprove the allegation. There were no independent witnesses.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/08/12    **DATE OF COMPLETION:** 01/28/13    **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 the officer issued him a citation without cause. The officer stated that he was on patrol when he observed the complainant drive a vehicle and fail to yield to a pedestrian in the crosswalk. The officer then issued the complainant a citation for that violation 21950(a) CVC. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant stated the officer misrepresented the truth at the complainant's traffic court hearing when the officer told the court he was not detaining anyone at a corner intersection prior to stopping the complainant for a traffic violation. The officer stated that he was not detaining anyone immediately prior to stopping the complainant. The officer stated that he was in his patrol vehicle when he observed the complainant commit a traffic violation. There were no independent witnesses to this incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/08/12    **DATE OF COMPLETION:** 01/28/13    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** During the course of the investigation, the Department notified OCC that they could not locate the E585 Traffic Data Collection entry for this traffic stop as required by Department Bulletin 11-097. The officer stated that he did properly complete the required E585 traffic entry on his MDT and sent it to the Department as required. The officers offered his CAD as proof that he had properly completed the entry. The CAD showed that all the information required for the E585 entry was in the CAD and was proof that the officer had documented the contact and sent the information to headquarters. The officer stated that he brought up the proper mask in the MDT, completed the mask and forwarded the information by pressing the MDT send button. Though the Department stated that they did not receive the E585 entry, the officer's statement that he had properly logged the information and the evidence in his CAD and that he had the same duplicate information shows that there is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/14/12      **DATE OF COMPLETION:** 01/10/13      **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officer cited him for expired registration. The complainant stated he registered his vehicle with the DMV before the incident and that DMV advised him his registration was delayed due staff shortage. The complainant acknowledged that he did not advise or provide any proof of his current registration when he was stopped. The officer denied the allegation. The officer stated that the complainant's vehicle had expired registration tabs and that a computer query revealed an expired registration, a violation of California Vehicle Code (CVC) §4000a. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/19/12 **DATE OF COMPLETION:** 01/14/13 **PAGE #1** of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to properly process property.

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

**FINDINGS OF FACT:** The officers arrested the complainant for possession of narcotics. The complainant alleged that the officers failed to properly book his property, including cash. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/09/12      **DATE OF COMPLETION:** 01/07/13      **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 stated he was walking eastbound on Sutter Street towards Hyde Street looking in the gutters for discarded cigarette butts when he was detained. The officers stated they detained the complainant after observing him looking into numerous parked and unoccupied vehicles in an area known for high criminal activity. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated he was walking eastbound on Sutter Street towards Hyde Street looking in the gutters for discarded cigarette butts when he was detained and searched. The named officer and his partner stated they detained the complainant after observing him looking into numerous parked and unoccupied vehicles in an area known for high criminal activity. The named officer stated that the complainant was pat searched for weapons. The named officer's partner stated that a pat search for weapons was conducted because the complainant was walking around in a high crime area, wearing baggy clothing. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/09/12      **DATE OF COMPLETION:** 01/07/13      **PAGE #2 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer accused him of looking into parked vehicles with the intent to break in and accused the complainant of lying. The named officer and his partner denied the allegation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/28/12   **DATE OF COMPLETION:** 01/28/13   **PAGE #1 of 1**

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

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

**FINDINGS OF FACT:** The named officer denied the allegation. 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:** 07/02/12    **DATE OF COMPLETION:** 01/16/13    **PAGE #1** of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers harassed the complainant.

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

**FINDINGS OF FACT:** The complainant alleged that the officers have been harassing him since 2006. The complainant stated that he usually hangs out around Washington Square Park without breaking any law but the officers harass him by following him around in the park. One of the officers stated that he could not recall having contact with the complainant. The other officer stated that he had prior contacts with him but could not recall the dates and locations. This officer further stated that the contacts have always been exclusively for the purpose of transporting the complainant to Central Station or County Jail #1 as a result of him having been arrested by other officers. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #3-4:** The officers issued citations to the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that the officers issued him citations without cause. The officers 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:** 07/03/12   **DATE OF COMPLETION:** 01/14/13   **PAGE #1** of 2

**SUMMARY OF ALLEGATION #1:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant stated the officer told him that she did not have time for his attitude. The complainant failed to identify a witness, his son, in order to be interviewed. A witness officer present denied the allegation. Other potential witnesses interviewed could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer used profane language.

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

**FINDINGS OF FACT:** The complainant stated the officer used profane language to convey that he had to leave the office. The complainant declined to identify a witness, his son, in order to be interviewed. The officer denied the allegation. A witness officer present denied the allegation. Three other potential witnesses could not recall being present to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/03/12 **DATE OF COMPLETION:** 01/14/13 **PAGE #2 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated the officer bumped his chest against the complainant's chest, held him, and pushed him to leave the office. The complainant declined to identify a witness, his son, in order to be interviewed. The officer denied the allegation. A witness officer present denied the allegation. Three other potential witnesses could not recall being present to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/31/12      **DATE OF COMPLETION:** 01/28/13      **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-6:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complaint was about noise in the hallway where contractors were working and the behavior of one of the complainant's neighbors. The officers said the complaint was either civil in nature or lacked sufficient merit to take any action. A witness denied the allegations made by the complainant and suggested that the complaint lacked merit. A responding officer and a dispatcher's CAD entries questioned the rationality of the complainant. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #7-10:** The officers behaved in an inappropriate manner and/or made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant complained about the officers' tone and apparent annoyance with him. The officers either denied the allegation or had no recollection of the incident. A witness denied any inappropriate behavior by the officers and suggested that the complainant's complaint lacked merit. CAD entries document questioned the rationality of the complaints. 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:** 07/19/12   **DATE OF COMPLETION:** 01/18/13   **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated while driving his cab, a truck hit him. The complainant followed the truck through traffic, going through several flashing red lights. The complainant stated he did not make a complete stop at one light and stopped “a little bit” at the other lights. The named officer and his partner stated they observed the complainant fail to stop at at least one flashing red light. The officer’s conduct was proper.

**SUMMARY OF ALLEGATION #2:** The officer made inappropriate comments to the complainant.

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

**FINDINGS OF FACT:** The complainant stated the officer told him, “If you want a report, I’ll have to cite you.” He also stated the officer told him that he had mental problems and was going to be reported to the Department of Motor Vehicles. The officer’s partner stated he did not speak to the complainant and did not hear his partner make the alleged remarks. The named officer denied making these remarks. He said the complainant was adamant that a report be prepared. He stated he did tell the complainant that he was going to be cited for running a red light. The officer also stated that he tried to evaluate the complainant’s mental state because the complainant did not understand that he was not supposed to run red lights. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/19/12    **DATE OF COMPLETION:** 01/18/13    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer failed to issue a citation to a hit and run driver.

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

**FINDINGS OF FACT:** The complainant stated that while driving his taxi, a truck rear-ended him. The complainant stopped his taxi to inspect the damage and the truck left the scene. The complainant followed the truck and when he saw a patrol car, he beeped his horn and the truck stopped. The truck driver was not cited for a hit and run. The officer's partner stated he spoke with the truck driver. The truck driver told this officer he had been in a collision with the complainant, and the complainant approached him in a very aggressive manner, screaming at him. The truck driver told the officer another cab driver attempted to block him and that cab driver also approached him in a threatening manner. The truck driver said he felt threatened and, fearing for his safety, drove towards Central Station. The officer stated the truck driver appeared frightened. The officer stated the truck driver was not cited because it was clear that it was not his intent to flee; he was in fear of the complainant and the other cabbie, which was an exigency. This officer stated that, based on the information he obtained, the elements of a hit and run did not exist. The named officer stated he spoke to the truck driver and the complainant. The truck driver told the named officer that, after the accident, the complainant approached him in a threatening manner, and other taxi cabs tried to block him in. The truck driver said he feared for his safety and was on his way to the police station. The named officer stated that, based on all the information he had, the intent was not there for a hit and run. The truck driver failed to respond to repeated contact attempts. Section I.B.3 of Department General Order 9.01 states that officers "shall act on moving violations" after witnessing a violation, in response to a private person's arrest, or when reasonable cause has been established by a qualified officer investigating a traffic collision. The officer and his partner stated that this incident did not have all the elements of a hit and run. They stated the truck driver told them he felt threatened by the cab driver and was driving to the police station. The truck driver stopped voluntarily when the complainant was detained for running red light while chasing the truck driver. Under the General Orders, the officer had no duty to cite the truck driver because he determined that reasonable cause had not been established. His conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/01/12 **DATE OF COMPLETION:** 01/16/13 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant said he had been improperly cited for a u-turn when he had only made a left turn into a parking space in a business district. The named officer denied the allegation, stating the complainant made a U-turn. Department and court records, in addition to the California Vehicle Code, indicated that the action the complainant engaged in provided sufficient probable cause for the officer to issue the citation he did. The evidence proved that the acts that provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant said the officer was “hostile” and “angry” from the beginning of their contact and told the complainant he could not speak to other officers who responded to the scene. He acknowledged that he spoke to other officers. The named 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:** 08/13/12 **DATE OF COMPLETION:** 01/25/13 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to make an arrest.

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

**FINDINGS OF FACT:** The complainant stated that he was in a store shopping when two security guards forced him to leave the store. The guards threw him to the ground and he injured his knee. He called police and when they arrived, he asked for the officers to arrest the security guards for assault. The officers interviewed the parties involved and watched a video of the incident. They concluded that no crime had occurred and did not make an arrest. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**SUMMARY OF ALLEGATIONS #3-4:** The officers failed to take a required action.

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

**FINDINGS OF FACT:** The complainant stated that he was involved in a scuffle with two security guards at a store. He wanted the men arrested and for police to write a report. The officers stated that they offered to write a report but also told the complainant that they were not going to arrest anyone. The officers stated that they did not believe a crime had occurred. The complainant then got very angry and stormed off. The complainant later filed a police report at the police station. 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:** 08/13/12 **DATE OF COMPLETION:** 01/25/13 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that police did not arrest two security guards who assaulted him inside a store. The complainant stated that if he were not a black male and instead was white, police would have handled the situation differently. The officers were questioned relative to the OCC's document protocol and denied the allegation stating that the complainant's race played no role in their decision. They stated that they did not take action because no crime had occurred. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**SUMMARY OF ALLEGATIONS #7-8:** The officers made inappropriate comments and engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that he was the victim of an assault. When police arrived, the officers said they were not going to make an arrest. The complainant was upset and demanded a police report but the officers talked him out of filing one. The officers stated that they were not going to make an arrest but offered to write a report. The complainant was upset that the officers were not going to arrest anyone and left the scene abruptly. The officers did not file a report and denied telling the complainant he should not file a report. 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:** 08/13/12      **DATE OF COMPLETION:** 01/25/13      **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-2:** The officers issued an invalid order.

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

**FINDINGS OF FACT:** The complainant stated that he called police because a gas station clerk would not accept his money. Police arrived and interviewed the subjects involved and then ordered the complainant to leave the property. The officers stated that the clerk refused service to the complainant and told him to leave the property or he would be trespassing. The evidence proved that the acts, which provided the basis for the allegations, did occur; however, the acts were justified, lawful and proper.

**SUMMARY OF ALLEGATIONS #3-4:** The officers acted in an intimidating manner.

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

**FINDINGS OF FACT:** The complainant stated that he called police because he was having trouble with a clerk at a gas station. When police arrived, they treated him like a criminal, puffing out their chests and putting their hands on their gun belts. The officers stated that they did not act in such a threatening manner and if they placed their hands on their utility belts, it was only because that is naturally where they rest their hands. 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:** 08/13/12    **DATE OF COMPLETION:** 01/25/13    **PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated that he called police because he was having trouble with a clerk at a gas station. The officers arrived and immediately singled him out as a criminal because he is black despite the fact that he was the one who called police. The officers were questioned relative to the OCC's document protocol and denied the allegation stating that they did not single anyone out and merely asked to talk to him. The officer stated that the race of the complainant played no factor in how they handled the call. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

**FINDINGS OF FACT:** Both the complainant and a clerk of the gas station called police. The clerk thought the complainant was attempting to pay with counterfeit currency and the complainant was upset because the clerk would not accept his money. The officers arrived and settled the situation and did not write a report or notify federal authorities of the counterfeit bill. The officers stated that they did not write a report or contact federal authorities because they did not believe that the bill was counterfeit. 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:** 08/15/12    **DATE OF COMPLETION:** 01/23/13    **PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated that he was walking on the street enroute to his home when he stopped to read a sign posted on a tree. Three uniformed officers drove by and when they saw the complainant, they stopped, exited their car and told the complainant to stop. The complainant stated the officers surrounded him and the named officer requested his identification. The named officer stated that he and his two partners were patrolling a high-crime area. When the complainant saw them, he quickly ducked behind a tree, leading him to suspect that the complainant was involved in criminal activity. The named officer stated he approached the complainant and asked what he was doing, but did not detain the complainant and did not request his identification. The named officer's two partners confirmed his account of the incident. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant stated that one of the officers who stopped him made a rude comment, but he could not definitively specify which officer said this. The three officers who contacted the complainant all denied that anyone made the inappropriate comment. There is insufficient evidence to identify the named officer or to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/15/12    **DATE OF COMPLETION:** 01/23/13    **PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer had a rude attitude and made rude comments.

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

**FINDINGS OF FACT:** The complainant stated that the named officer had a rude attitude and made rude comments. The named officer denied making the statement attributed to him by the complainant and denied displaying a rude attitude, noting that the complainant spoke rudely to the officers from the start of their contact. The named officer's two partners confirmed his account of the incident. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08//16/12    **DATE OF COMPLETION:** 01/18/13    **PAGE #1** of 1

**SUMMARY OF ALLEGATION #1:** The officer's conduct was inappropriate and threatening.

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

**FINDINGS OF FACT:** The complainant is a professional taxi cab driver and fully aware of the rules of the road. The complainant admitted he made an illegal turn onto a heavily congested roadway shortly after a major concert in the area. The complainant alleged that the officer berated him telling the complainant, "You're not supposed to do this. You're not supposed to do that. Let me see your Medallion. Let me see your ID!" The complainant stated that when he tried to ask the officer what he did wrong, she screamed, "You know what you did wrong!" I want to see your driver's license! I want to see your insurance papers!"

The officer stated that she stopped the complainant after she observed him commit multiple traffic violations. The officer admitted that she raised her voice so that she could be heard through the high noise level in the area where a concert had just concluded and persons were leaving the area. The officer stated that she asked the complainant if he knew what he had done to be stopped, and that she then requested the complainant's driver's information and taxi information and then issued the complainant citations for the traffic offenses. The officer denied berating the complainant as alleged and stated that her actions were appropriate, professional, and merited.

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:** 05/25/12    **DATE OF COMPLETION:** 01/11/13    **PAGE #** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that he was crossing the intersection of Hyde and O'Farrell Streets when a patrol unit approached the intersection to turn right from O'Farrell Street onto Hyde Street. When the patrol unit had to wait for the complainant to cross to the curb, the passenger in the patrol car leaned out the window and yelled, "Get the fuck out of the way!" Four officers who were questioned by the OCC denied the complainant's allegation. An Officer Poll was sent to the Tenderloin Task Force Station and the commanding officer was unable to identify the alleged officers. The complainant did not identify any witnesses during his OCC interview and no witnesses came forward. The identity of the alleged officers has not been established. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated he was crossing the intersection of Hyde and O'Farrell Streets when a patrol unit approached the intersection to turn right from O'Farrell Street onto Hyde Street. Before the complainant reached the curb, the patrol car made the turn, coming dangerously close to striking him and another elderly gentleman who was crossing in the other direction. Four officers who were questioned by the OCC denied the complainant's allegation. An Officer Poll was sent to the Tenderloin Task Force Station and the commanding officer was unable to identify the alleged officers. The complainant did not identify any witnesses during his OCC interview and no witnesses came forward. The identity of the alleged officers has not been established. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/07/12    **DATE OF COMPLETION:** 01/25/13    **PAGE #1 of 1**

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

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

**FINDINGS OF FACT:** The complainant failed to provide additional requested evidence.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/17/12    **DATE OF COMPLETION:** 01/16/13    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officer lied to him that there was a Stay Away Order against him. The complainant said he further investigated and verified that there was no such court order. The officer denied the allegation. The officer stated he responded to a civil standby and was told by the deputy that building management stated that the complainant was not allowed to enter the building. The officer said the San Francisco Sheriff's Department (SFSD) was the primary security at the building and the deputy assumed jurisdiction of the scene with the complainant. The witness deputy stated building management provided the information barring the complainant entry into the building. Another witness from building management stated the SFSD was responsible for identifying individuals allowed entry into the building. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated the officer did not further investigate if there was a Stay Away Order against him. The officer denied the allegation. The officer determined there was no crime that occurred and the incident was a civil matter of which the complainant needed to pursue with the court. The officer stated he was not an agent for the complainant nor was there any crime that occurred; therefore he was not able to check with the court to verify if there was a valid restraining order against the complainant. The officer along with the San Francisco Sheriff's Department (SFSD) Deputy advised the complainant that he can check with the court and the District Attorney's (DA) Office regarding any court orders. The witness deputy said he advised the complainant to seek the court and DA for help regarding any court orders. Another witness from building management stated the SFSD was responsible for having records outlining who is not allowed entry into the building. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/19/12    **DATE OF COMPLETION:** 01/16/13    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1 - 5:** The officers entered and searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** The investigation revealed the officers entered and searched the complainant's residence pursuant to a valid search warrant. Their conduct was proper.

**SUMMARY OF ALLEGATIONS #6 - 9:** The officers pointed their firearms at the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that, upon entering his residence, four officers aimed their firearms at him.

Two of the officers stated they encountered a locked door while searching the residence pursuant to a valid search warrant. They stated they complied with knock/notice requirements but no one answered the door. The officers stated that for officer safety purposes, they had their firearms at "low ready." They denied aiming their firearms at the complainant. The two other named officers stated they did not aim their firearms at the complainant.

One witness officer stated he did not see any of the officers aim their firearm at the complainant.

Department General Order 5.02 allows officers to draw or exhibit their firearms when they reasonably believe it is necessary for their own safety or the safety of others. The officers were executing a search warrant for a homicide suspect. The officers either denied or did not recall that they pointed their guns at the complainant. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/19/12    **DATE OF COMPLETION:** 01/16/13    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #10 - 11:** The officers damaged the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated he was asleep when he heard people yelling. His first impression was that it was not at his house but somewhere else. He could not make out what was being yelled. He stated he looked out of a window facing the street but didn't see anyone. When he continued hearing voices, he questioned whether it was from inside his house. When he stepped out of the bedroom, he heard someone breaking his door.

The officers stated that while executing a search warrant, they came across a locked door. They complied with knock/notice requirements but no one answered the door. With the authorization of their supervisor, the officers used a ram to open the door. One of the officers stated he documented the damage in a memorandum, in accordance with Department policy.

The officer's supervisor stated she authorized the officers to force entry after compliance with knock/notice requirements. She stated she wanted to prevent any suspects inside the residence from attempting to gather dangerous weapons, destroy or conceal contraband or flee. She stated she provided the complainant a follow-up form, case number, and information on how to receive compensation for the damage caused to his door.

The complainant acknowledged hearing voices but did not know what they were saying or where they were coming from. Under Department policy and procedures, officers have the authority to use force to enter a residence to execute a search warrant if no one answers the door after knock/notice is given. The officers' conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/24/12 **DATE OF COMPLETION:** 01/22/13 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on December 19, 2012.

**SUMMARY OF ALLEGATIONS #3-4:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on December 19, 2012.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/26/12 **DATE OF COMPLETION:** 01/22/13 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 10, 2013.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/26/12 **DATE OF COMPLETION:** 01/28/13 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he works in the employee cafeteria at the San Francisco International Airport. He stated the officer made eye contact with him on several occasions and then asked him for his employee identification. The complainant stated he became angry and refused to comply with this request.

The named officer stated she approached the complainant because she thought he was a stranded passenger. When the complainant said he worked for the airport, the officer asked him for identification. The complainant cursed at the officer and refused to provide identification. Three witness officers at the scene stated the complainant was aggressive and uncooperative.

The complainant acknowledged being angry and stated he refused to provide employee identification at the Airport. The complainant was subsequently detained for public intoxication and released per 849 b. The officer's actions were proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/18/12      **DATE OF COMPLETION:** 01/28/13      **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 stated the officers did not do anything to investigate his complaint and did not provide him with a case number. The officers denied the allegation. One witness did not hear the conversation between the officers and the complainant. There were no other witnesses to the complainant's conversation with the officers. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/23/12 **DATE OF COMPLETION:** 01/22/13 **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 7, 2013.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/26/12 **DATE OF COMPLETION:** 01/22/13 **PAGE #1** of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 19, 2012.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/21/12      **DATE OF COMPLETION:** 01/16/13      **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The officer cited the complainant for using her cell phone while driving. The complainant stated that, although she picked up her cell phone to look for new message notifications while stopped at a red light, she was not talking on her cell phone while driving and should not have been cited. The officer stated that he observed the complainant drive past him while holding her phone and talking. The complainant acknowledged using her cell phone while driving. The evidence proved that the act complained of occurred; however, the act was justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer was angry and aggressive when he first approached her car and throughout their contact. The complainant stated that the officer was domineering, disrespectful, and yelled at her while issuing a ticket. The officer stated that he spoke in a calm voice after initially speaking loudly to get the complainant's attention while she was stopped at a red light. The officer stated that he was not rude or aggressive. There were no independent witnesses to corroborate the complainant's allegations. 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:** 11/07/12    **DATE OF COMPLETION:** 01/28/13    **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 stated after he left his ex-girlfriend's house he was followed by a man who was inside the house along with two other men. He stated the three men assaulted him and took his cell phone and money. He stated he brought the officers to his ex-girlfriend's house and the officer spoke to those inside. He stated the officers failed to arrest the men who assaulted him.

The officers stated the complainant was intoxicated, hostile and refused medical attention. They stated the complainant told them he was wrestled to the ground and his phone was taken; he did not say his money was stolen. Both officers stated they spoke with the complainant's ex-girlfriend and her male friend. They told officers that the complainant trespassed into their residence and stole a cell phone. When the male resident confronted the complainant, the complainant struck the man on the head with a belt. The officers stated they determined the phone did not belong to the complainant. The two witnesses referenced above failed to respond to contact attempts. There was no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/08/12 **DATE OF COMPLETION:** 01/22/13 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer failed to properly operate a department vehicle.

**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 9, 2012.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/28/12 **DATE OF COMPLETION:** 01/14/13 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-4:** The complainant was detained without justification.

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

**FINDINGS OF FACT:** The complainant stated that he was detained for being drunk inn public. He denied being drunk. The complainant acknowledged drinking alcohol, leaving a bar and being involved in a physical altercation outside the bar. Each of the named officers stated the complainant was belligerent and displayed several objective signs of intoxication, including a strong odor of alcoholic beverage on his breath and person, having an unsteady gait, slurred speech and constantly repeating himself. Four additional officers stated the complainant was intoxicated. One of those officers stated he escorted the complainant out of the bar for unruly behavior. There were no witnesses. There is insufficient evidence to establish whether or not the complainant's condition met the requirements for a 647(f) PC detention.

**SUMMARY OF ALLEGATION #5:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant stated he spoke to an officer to get an update on a battery report he made. He stated the officer told him that the alleged battery was "just a fight between two drunk people." The officer stated he attempted to locate the battery report with negative results. He denied making the alleged remark. There were no witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/14/12 **DATE OF COMPLETION:** 01/29/13 **PAGE #1** of 2

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

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

**FINDINGS OF FACT:** The complainant was detained because he did not have license plates on his vehicle. The complainant acknowledged that he did not have license plates on his vehicle. The officer's conduct was proper.

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

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

**FINDINGS OF FACT:** The complainant was cited because he did not have license plates on his vehicle. The complainant acknowledged that he did not have license plates on his vehicle. The officer's conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/14/12    **DATE OF COMPLETION:** 01/29/13    **PAGE #2** of 2

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

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

**FINDINGS OF FACT:** The complainant stated the officer said to him, "I would never do business with you." The officer stated that, during the traffic stop, the complainant handed the officer his business card and offered to give the officer a discount on his services. The officer stated he politely declined the offer and suspected the complainant was trying to dissuade the officer from giving him a citation. The statement itself does not rise to the level of misconduct.

**SUMMARY OF ALLEGATION #4:** The officer prolonged the complainant's detention without justification.

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

**FINDINGS OF FACT:** The complainant was detained because he did not have license plates on his vehicle. The complainant stated that during the traffic stop, he unloaded his trunk to locate the license plates and attached them to his vehicle. He stated he was detained for twenty-four minutes.

According to the officer and communications records, the detention lasted approximately seventeen minutes. During the traffic stop, the complainant located and attached license plates to his vehicle. The length of the detention was reasonable. The officer's conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/28/12 **DATE OF COMPLETION:** 01/18/13 **PAGE #1** of 1

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

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

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

San Francisco Public Library  
Attn: Karen Strauss, Chief of Main Library  
100 Larkin Street  
San Francisco CA 94102

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/28/12 **DATE OF COMPLETION:** 01/07/13 **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency (SFMTA)  
Department of Parking & Traffic  
1 South Van Ness Avenue, 7<sup>th</sup> Floor  
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:** 01/04/13 **DATE OF COMPLETION:** 01/09/13 **PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:** NA **FINDING:** IO-2 **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant did not identify any San Francisco Police misconduct. This complaint raises matters not rationally within the OCC's jurisdiction.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/07/13   **DATE OF COMPLETION:** 01/14/13   **PAGE #1** of 1

**SUMMARY OF ALLEGATION #1:** The officers used excessive force.

**CATEGORY OF CONDUCT:** UF                      **FINDING:** IO-2                      **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant said a man had been murdered by police at a homeless shelter but could provide no details allowing an investigation. The evidence proved that the actions complained of were so obviously imaginary that their occurrence is not admissible by any competent authority.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/10/13    **DATE OF COMPLETION:** 01/28/13    **PAGE#** 1 of 2

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/10/13    **DATE OF COMPLETION:** 01/28/13    **PAGE#** 2 of 2

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

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

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

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/20/13    **DATE OF COMPLETION:** 01/30/13    **PAGE #1** of 2

**SUMMARY OF ALLEGATION #1:** The officer used unnecessary force during the contact.

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

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/20/13   **DATE OF COMPLETION:** 01/30/13   **PAGE #2** of 2

**SUMMARY OF ALLEGATION #3:** The officer failed to provide his name and/or star number when requested.

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

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/23/13 **DATE OF COMPLETION:** 01/25/13 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The complainant raises matters outside OCC's jurisdiction.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/22/12    **DATE OF COMPLETION:** 01/18/13    **PAGE #** 1 of 2

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

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

**FINDINGS OF FACT:** The named and three witness officers denied the allegation. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #2 & 3:** The officers used unnecessary force during a detention.

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

**FINDINGS OF FACT:** The named and three witness officers denied the allegation. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The named and three witness officers denied the allegation. 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:**