

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/23/11 **DATE OF COMPLETION:** 01/18/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer conducted himself in an inappropriate manner.

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

FINDINGS OF FACT: The complainant said while on parole but out of the country officers went to his mother's home to conduct a parole search as part of an SFPD conspiracy to frame him, kill him or see him incarcerated for life. The complainant was unable to identify any officer. The complainant's mother and Parole Officer were unable to identify any officer who participated in the search of the home. The complainant and mother gave inconsistent dates as to when the alleged parole search took place. Requests to SFPD Legal for officer identifying information were unsuccessful. The OCC was unable to identify any officer engaged in the alleged conduct. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/11 **DATE OF COMPLETION:** 01/31/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant, who was not present during her daughter's arrest, stated that her daughter was arrested without cause. The incident report pertaining to the complainant's daughter's arrest documented the officer's probable for the arrest. The incident report further documents that the complainant's daughter was positively identified as a participant in a robbery. The evidence proved that the act, which provided the basis for the arrest 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: 06/27/11 **DATE OF COMPLETION:** 01/26/12 **PAGE # 1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately towards the complainant.

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

FINDINGS OF FACT: The complainant was arrested on a warrant. While at the station, the complainant stated that the officer spat in the complainant's face. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/11 **DATE OF COMPLETION:** 01/19/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was detained for a mental health evaluation pursuant to California Welfare & Institutions Code section 5150. The complainant did not respond to requests for an interview and did not provide a medical release. According to Department records, officers were dispatched to the complainant's residence twice that day. The officers stated when they initially responded, the complainant appeared confused and paranoid, showing them an intact camera and declaring it to be broken "in a million pieces." The complainant also told the officers other residents of the building were conspiring against him. Officers responded a second time after the complainant's roommate called dispatch to report that the complainant was harassing him. The complainant's roommate told officers he was afraid of the complainant, and he had been banging on his door and yelling. The officers stated they spoke with the complainant and he appeared confused, disoriented and in need of a mental health evaluation. The preponderance of the evidence supports a finding of Proper Conduct.

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

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

FINDINGS OF FACT: The complainant alleged that while being detained for a mental health evaluation, he was beaten and choked unconscious by officers. The complainant failed to respond to contact attempts. Two officers stated they had to employ physical controls when the complainant resisted being detained for a mental health evaluation. The officers stated the complainant tried to flee and refused to place his hands behind his back. The officers utilized Department-approved techniques that included a leg sweep to take the complainant to the ground, distracting blows and physical restraint. These efforts didn't work.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/11 **DATE OF COMPLETION:** 01/19/12 **PAGE#** 2 of 2
SUMMARY OF ALLEGATIONS #3-4 continued:

The officers were ultimately able to free the complainant's hands and handcuff him. The complainant was transported to the hospital where one officer took photos of the complainant. The photos show an abrasion of the left side of the complainant's face, which they say occurred when the complainant was violently rolling on the carpeted floor. The officers use of force was documented in the police report. There were no witnesses to this encounter. The complainant's roommate was inside in his room. He provided a statement to an officer stating he heard what sounded like a struggle and heard police telling the complainant not to resist and calm down. When he exited his room, he saw the complainant sitting on the ground in handcuffs and yelling. There was no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that during one contact with the officer, the officer allegedly told the complainant he "looked disabled." The officer denied the allegation and stated he did not recall his contact with the complainant on the date in question. The officer's partner stated he did not recall this contact. There was no additional evidence and no other witnesses to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/11 **DATE OF COMPLETION:** 01/18/12 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The co-complainant stated the officer arrested him for selling drugs without cause. The named officer and his partner stated that while conducting surveillance from an elevated position they saw the co-complainant sell drugs. They arrested the co-complainant and found no drugs in his possession, although they did find a pipe for smoking drugs and currency they believed came from drug sales. One identified witness said he did not see the co-complainant sell drugs. Another witness could not be located and contacted. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer seized the co-complainant's property without cause.

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

FINDINGS OF FACT: The co-complainant stated the officer arrested him for selling drugs and seized the money he had with him although no drugs were found in his possession. The named officer and his partner stated that while conducting surveillance from an elevated position they saw the co-complainant sell drugs. They arrested the co-complainant and found no drugs in his possession, although they did find a pipe for smoking drugs and currency they believed came from drug sales. The named officer said he seized the complainant's money as evidence. One identified witness said he did not see the co-complainant sell drugs. Another witness could not be located and contacted. 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: 07/07/11 **DATE OF COMPLETION:** 01/18/12 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments to her. She also stated that the co-complainant, who the named officer arrested, told her the named officer made an inappropriate comment about her. The co-complainant did not mention the inappropriate comment the complainant claimed he heard during his OCC interview and could not be contacted for a follow-up interview. A civilian witness who is a friend of the complainant did not fully confirm the complainant's account concerning the named officer's statements to her, and he and the complainant contradicted one another concerning a significant element of the incident. The named officer and his partner denied that the named officer made the inappropriate comments. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer engaged in intimidating, harassing, racially biased and threatening behavior.

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

FINDINGS OF FACT: The complainant claimed that the officer engaged in intimidating, harassing, racially biased and threatening behavior when he contacted and spoke to her following his arrest of a friend of hers. The complainant said the named officer accused her of assisting with a drug sale, which she said was untrue. The officer was questioned relative to the OCC's biased policing protocol and denied the allegation. The named officer said he verbally admonished the complainant after observing her acting as a lookout during a drug sale and after she alerted the seller and others in the area that the police were approaching. The named officer's partner confirmed his account of the incident. Two co-complainants who were present and a civilian witness gave conflicting accounts of the complainant's location and actions immediately before, during and immediately after the alleged drug sale. Another witness could not be located and contacted. 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: 07/07/11 **DATE OF COMPLETION:** 01/18/12 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant said the named officer engaged in inappropriate behavior by laughing. A civilian witness did not confirm the complainant's account. The named officer and his partner denied the allegation. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/11 **DATE OF COMPLETION:** 01/26/12 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegations. He advised the complainant of the laws regarding residency, that his vehicle could be towed if driving without a valid license and to confirm his license status with the state from which the drivers license had been issued. The named officer noted the complainant was smiling throughout his contact and interpreted his behavior as not taking the officer seriously. He did not recall making any comments in regards to the complainant pointing his finger. The witness officer corroborated the named officer told the complainant to visit his out of state department of motor vehicles to ascertain the validity of his driver's license. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to maintain knowledge to interpret an out of state driver's license record.

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

FINDINGS OF FACT: The officer denied the allegation. Due to the out of state driver record information and/or format, he could not determine the validity of the out of state license. The officer said the complainant told him he lived in California six months out of the year, which furthered his investigation into the residency of the complainant. The witness officer corroborated the named officer told the complainant to visit his motor vehicle office to check on the validity of his driver's license. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/11 **DATE OF COMPLETION:** 01/30/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was cited for failing to stop at a stop sign and for not having proof of insurance. The complainant said her insurance card was stolen and she had the police report documenting the theft but the officer would not read it. The officer stated the complainant did not come to a full stop and her tires never stopped. The officer further stated he asked to see the police report documenting the alleged theft of the complainant's insurance card but the complainant did not have the report. There were no witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she became angry when she learned she was being cited. She stated the officer then started to become angry with her. After she signed the citation, the complainant put her car in gear and her car slipped back "an inch" and she felt the car touch something. The officer told her, "You hit my leg!". The officer denied the allegation. He stated the complainant was angry and argumentative and could not accept the fact that she was being cited. When the complainant struck his leg with her vehicle he initially believed it was intentional. The complainant told the officer her foot slipped and she apologized. The officer stated he then told the complainant to leave. 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: 07/13/11 **DATE OF COMPLETION:** 01/30/12 **PAGE#** 2 of 2

SUMMARY OCC ADDED OF ALLEGATION #1: The officer failed to collect traffic stop data pursuant to S.F.P.D. Bulletin 11-097.

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

FINDINGS OF FACT: The officer stated that he entered the traffic stop data. However, no evidence of the data entry could be located by the officer or the SFPD Legal Department. The allegation is sustained.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/11 **DATE OF COMPLETION:** 01/19/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was nearly run over by a man on a bicycle. She stopped and yelled at him and he spat in her face. She attempted to pull him off the bicycle and got a picture of him before he left. The complainant then called the police. The complainant alleged that the officer refused to take DNA and refused to use the picture she had taken because it was not of good quality. The complainant stated that she was upset with the Department's policy and not with the responding officer. The responding officer's account of what happened was consistent with that of the complainant's and was adequately documented in the incident report. The officer's action was within the guidelines set forth in Department General Order 6.02. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, the acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/11 **DATE OF COMPLETION:** 01/24/12 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The officer denied the allegation. There were no witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/11 **DATE OF COMPLETION:** 01/25/12 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainants stated they were smoking marijuana when they were detained by the officer. The complainants' own testimony provided the officer with reasonable suspicion to detain them. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/08/11 **DATE OF COMPLETION:** 01/19/12 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant has not come forward. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/11 **DATE OF COMPLETION:** 01/31/12 **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 acknowledged making an illegal left turn. She stated she didn't see the "No Left Turn" sign. There is a posed international symbol for "No Left Turn" at the intersection where the complainant turned left. In addition, "NO LEFT TURN" is written on the pavement in the left lane. The officer properly cited the complainant for making an illegal left turn.

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 made several inappropriate comments to her during a traffic stop. The complainant's passenger confirmed the complainant's account. The complainant provided an audiotape that she stated captured the officer's inappropriate remarks. However, the audiotape did not support the complainant's allegation. The audiotape captured the complainant's emotional reaction to her first traffic stop, not any inappropriate remarks by the officer.

The officer stated he told the complainant that if she had her eyes open and was looking, she would have seen the posted "No Left Turn" sign. When the complainant said she was from San Jose and was lost, the officer told her, "They have No Left Turn signs in San Jose, too. They're international. This is the real world." He denied making any inappropriate remarks.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/11 **DATE OF COMPLETION:** 01/31/12 **PAGE #2** of 2

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to enter Traffic Stop Data.

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

FINDINGS OF FACT: The officer stated he was “pretty sure” he entered the Traffic Stop Data for this traffic stop. However, no evidence of the data entry could be located by the officer or the SFPD Legal Department. The allegation is sustainable.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/11 **DATE OF COMPLETION:** 01/25/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: On his complaint form, the complainant stated he went to the station “to file paperwork” in an attempt to change his court date. The complainant stated the officer refused to “do the paperwork.” The complainant failed to respond to repeated contact attempts by the OCC. The named officer stated the complainant never wanted to provide a statement of any kind. The complainant wanted to reschedule a court date, and the officer told the complainant that was not done at the station. The named officer’s supervisor stated he interviewed the complainant and the complainant demanded that 1) the initial report be changed and 2) his court date be changed. The supervisor told the complainant he could write a supplemental report but the complainant insisted that the initial report be changed. Officers have neither the authority nor the discretion to change initial incident reports or court dates. The officer’s action was proper. The preponderance of the evidence supports a proper conduct finding.

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

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

FINDINGS OF FACT: On his complaint form, the complainant wrote on his complaint form that he was detained in a district station when he refused to leave when ordered to do so. The named officer stated the complainant was loud, verbally abusive and aggressive. The officer instructed the complainant that if he did not stop yelling and screaming and disrupting the citizens in the station he should leave. The officer stated he detained the complainant “after he took a swing towards me with his arm.” The officer then detained the complainant and contacted his supervisor. The officer’s supervisor stated the complainant was highly agitated, very loud, shouting and abusive to the officers and was disrupting station service by being abusive to the named officer, who tried at length to understand the complainant and calm him down. Other unidentified citizens attempting to enter the station were allegedly afraid of the complainant and stood outside of the lobby area. The complainant allegedly refused to leave the premises. The complainant was released and the officer issued him a Certificate of Release. Repeated attempts by the OCC to contact the complainant for an interview have been unsuccessful. The preponderance of the evidence supports a proper conduct finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/11 **DATE OF COMPLETION:** 01/25/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to take a citizen's complaint.

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

FINDINGS OF FACT: On his complaint form, the complainant stated that the named officer refused to give him a complaint form. The complainant wrote that the named officer refused his request. The named officer stated he did not refuse to take a citizen's complaint. Repeated attempts by the OCC to contact the complainant for an interview have been unsuccessful. The preponderance of the evidence supports a proper conduct finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/11 **DATE OF COMPLETION:** 01/30/12 **PAGE #1** of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 18, 2012.

SUMMARY OF ALLEGATION #2: The officer provided inaccurate information

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 18, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/11 **DATE OF COMPLETION:** 01/30 /12 **PAGE #2** of 2

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

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 18, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/08/11 **DATE OF COMPLETION:** 01/26/12 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that an officer stopped him for no reason. The complainant said he was walking down a sidewalk listening to his music, yelling and “just letting off some steam.” The officer stated he heard the complainant yelling profanity and he observed the complainant speaking to himself and acting in a manner that made other people get out of the complainant’s path. The complainant’s behavior made the officer have concerns that the complainant was mentally ill and could not care for himself or that the complainant could be a safety issue as the complainant was carrying a glass juice bottle in a plastic bag tied around his wrist. The officer also articulated that there were many persons including children in this busy neighborhood and tourist area. Based upon the statements of the complainant and the officer, there was sufficient probable cause for the officer to conduct a well-being check and detention upon the complainant. The evidence showed that the officer’s conduct was proper.

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

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

FINDINGS OF FACT: The complainant stated the officer handcuffed him. The officer stated that the complainant was acting in an abnormal manner so the officer detained him. The officer stated that the complainant and this situation presented numerous safety issues that necessitated the complainant should be handcuffed for the safety of all persons. The officer stated and records show that the complainant is physically much larger than the officer; the complainant was carrying a glass bottle in a plastic bag which could be used as a weapon; the officer did not have a partner; despite calling for assistance there was no immediate assistance available in his district; there were multiple civilians including children in the area; and the officer said the complainant was acting in a manner which suggested his well being was in question. The complainant admitted that he was yelling and “just letting off some steam.” The evidence shows that pursuant to Department training and procedures, the officer acted appropriately by placing the complainant in handcuffs for safety reasons.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/08/11 **DATE OF COMPLETION:** 01/26/12 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer detained the complainant at gunpoint.

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

FINDINGS OF FACT: The complainant stated that the officer drew his firearm and told him to get on the ground. The officer stated that he did draw his firearm but kept it at his side near his leg and never pointed it at the complainant. The officer said that as he drew his firearm he told the complainant to go to his knees and the complainant immediately complied. The officer stated that he then re-holstered his firearm and that his firearm had been drawn for only a few seconds. The officer stated that the complainant presented multiple safety issues, including a physical size difference, a distance of only about 10 feet or less between them, was verbally and physically threatening and intimidating, the complainant had a glass bottle in a bag tied to his wrist; the officer was alone and despite a call for assistance did not know when assistance would arrive; and threatened the officer verbally and by rapidly approaching the officer who was by himself. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper pursuant to Department General Order 5.02.

SUMMARY OF ALLEGATION #4: The officer placed the handcuffs on the complainant in a tight manner.

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

FINDINGS OF FACT: The complainant alleged that the officer placed handcuffs on him and that the handcuffs were too tight. The officer stated that he placed handcuffs on the complainant and checked them for tightness and double locked the handcuffs. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/08/11 **DATE OF COMPLETION:** 01/26/12 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to issue a certificate of release.

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

FINDINGS OF FACT: The complainant said that the officer did not document this contact with any paperwork. The officer stated that he was not required to issue an 849B Certificate of Release to the complainant because the handcuffing and detention were not criminally related. Therefore pursuant to Department General Order 5.03 and Penal Code 849, no Certificate of Release was required. Research of the Penal Code showed that the officer was not required to issue a Certificate of Release for this well-being, mental health detention. The evidence showed that the officer's actions were proper and lawful pursuant to state law.

SUMMARY OF ALLEGATION #6: The officer was improperly equipped pursuant to DGO 10.02

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

FINDINGS OF FACT: The complainant said that the officer did not have a handcuff key with him. The officer denied the allegation and stated that he did have his handcuff key with him and that he used his key to unlock the handcuffs that he placed on the complainant. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/14/11 **DATE OF COMPLETION:** 01/26/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was arrested for stalking. The investigation revealed that the complainant was served with a restraining order in another county five months before his arrest. During that time, the protected persons initiated five incident reports against the complainant for violating the order. On the day of the complainant's arrest, he had contact with the protected persons. The officers took the complainant into custody pending further investigation. The officers had probable cause to arrest the complainant based upon the information they had at the time of his arrest. Their conduct was proper.

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

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

FINDINGS OF FACT: The officers stated the complainant's vehicle was towed pursuant to his arrest. They further stated that his car was parked in a bus zone. Department General Order 9.06 states that officers may tow the vehicle of an arrested person when the vehicle is not parked in a place that will be legal for at least 24 hours from the time of arrest. The officers had the authority to tow the complainant's vehicle. Their conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officers failed to prepare an incident report. The officers both denied the allegation, stating that no incident report was prepared because the complainant did not report a crime. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers behaved inappropriately and/or made inappropriate comments.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/11 **DATE OF COMPLETION:** 01/18/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Both officers stated they were informed by a Patrol Special Officer that the complainant had violated a stay-away order that required the complainant to stay away from the Patrol Special Officer as well as a three-block area in the Castro Street area. The officers stated the complainant showed them a notice terminating the stay-away order, but the notice was not signed or stamped by a judicial officer. The complainant produced a copy of this unsigned notice at his OCC interview. The officers stated the Department's ID Bureau confirmed that the stay-away order was still in effect at the time of his arrest. A copy of this order was attached to the incident report. That order was not set to expire until March 11, 2014. The OCC obtained a signed copy of the notice terminating the stay-away order from San Francisco Superior Court. That notice terminated the stay-away order three months before the complainant's arrest. However, at the time of the arrest the officers relied on the information provided to them by the Department's ID Bureau, which showed that the stay-away order was still in effect. The officers relied on the information provided to them by the ID Bureau to conduct the arrest. Their conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/11 **DATE OF COMPLETION:** 01/12/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was lying on a bench on private commercial property when a security guard told him to leave. The complainant refused to leave. The property owner contacted police and requested the complainant be detained for trespassing. The officer properly detained the complainant and escorted him off the property.

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

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

FINDINGS OF FACT: The complainant stated when private security personnel attempted to take his photo, he refused to cooperate and put his head down. The officer grabbed the complainant's left arm and "shoved" the complainant against the counter so that the guard could get a photo of the complainant's face. The complainant stated this movement did not hurt him. The senior supervisor of security stated his company takes photos of trespassers and keeps them on file so that if they trespass again, the company has photos of the suspects to show the police. The supervisor stated the complainant kept "pushing his body into the console" when the supervisor tried to take the complainant's photo. The supervisor stated that the officer simply held the complainant steady and did not push or shove the complainant. The named officer stated the complainant turned his body away from the camera. Fearing that the complainant was going to flee with his handcuffs, the officer grabbed the complainant's arm and positioned him back to camera view. The complainant "then pushed his own body onto the security console." The complainant was properly detained for trespassing. He resisted efforts to have his photo taken. He alleged the officer "shoved" him into the console so the security supervisor could take his photo. The officer and the security supervisor stated that while resisting, the complainant pushed his body onto the security console. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/11 **DATE OF COMPLETION:** 01/12/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant trespassed onto private property. The security firm for the property wanted to take a photo of the complainant. The complainant alleged that the security company had no right to take his photo, and that the officer improperly assisted the company in doing so. The officer and his supervisor both stated that the officer did not violate any Department policy by assisting security personnel in taking the complainant's photo. The officer stated he explained the two options available to the complainant after he was detained for trespassing: 1) Security personnel could conduct a citizen's arrest for trespassing or 2) Security personnel could take a photo of him for their files and he would be released. The officer stated the complainant agreed to have his photo taken. The issue around taking of the photograph is in dispute. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer threatened to arrest the complainant.

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

FINDINGS OF FACT: The complainant stated that as two officers were escorting him off private property, one officer threatened to arrest him. The named officer stated he did not threaten to arrest the complainant. He stated he explained the citizen's arrest process to the complainant, telling him that security personnel could request his arrest for trespassing if he were to return to the property. A witness officer also denied that the name officer threatened to arrest the complainant. This officer stated the named officer admonished the complainant regarding trespassing on private property. 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: 10/17/11 **DATE OF COMPLETION:** 01/17/12 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: The department failed to investigate.

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: 10/21/11 **DATE OF COMPLETION:** 01/31/12 **PAGE #1** of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 20, 2012.

SUMMARY OF ALLEGATION #3: The officer used tight handcuffs.

CATEGORY OF CONDUCT: UF **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 20, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/21/11 **DATE OF COMPLETION:** 01/31/12 **PAGE #2** of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 20, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/11 **DATE OF COMPLETION:** 01/17/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 29, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/3/11 **DATE OF COMPLETION:** 01/30/12 **PAGE #1** of 2

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 January 26, 2012.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 26, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/3/11 **DATE OF COMPLETION:** 01/30/12 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer failed to provide their names and badge numbers when requested.

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 26, 2012.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 26, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/10/11 **DATE OF COMPLETION:** 01/09/12 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 29, 2011.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 29, 2011.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/11 **DATE OF COMPLETION:** 01/18/12 **PAGE#** 1 of 4

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

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

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

University of California
San Francisco Police Department
P.O. Box 0238
San Francisco, CA 94102

SUMMARY OF ALLEGATION #2: This complaint raises matters outside OCC's jurisdiction.

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

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

University of California
San Francisco Police Department
P.O. Box 0238
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/11 **DATE OF COMPLETION:** 01/18/12 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #3: This complaint raises matters outside OCC's jurisdiction.

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

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

University of California
San Francisco Police Department
P.O. Box 0238
San Francisco, CA 94102

SUMMARY OF ALLEGATION #4: This complaint raises matters outside OCC's jurisdiction.

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

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

University of California
San Francisco Police Department
P.O. Box 0238
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/11 **DATE OF COMPLETION:** 01/18/12 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: This complaint raises matters outside OCC's jurisdiction.

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

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

University of California
San Francisco Police Department
P.O. Box 0238
San Francisco, CA 94102

SUMMARY OF ALLEGATION #6: This complaint raises matters outside OCC's jurisdiction.

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

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

University of California
San Francisco Police Department
P.O. Box 0238
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/11 **DATE OF COMPLETION:** 01/18/12 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #7: This complaint raises matters outside OCC's jurisdiction.

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

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

San Francisco Recreation & Park Department
510 Stanyan Street
San Francisco, CA 94117

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

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

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

San Francisco Recreation & Park Department
510 Stanyan Street
San Francisco, CA 94117

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/06/11 **DATE OF COMPLETION:** 01/18/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she asked an officer if she could park closer to the Pier 70 car auction because of her disabled status. The officer said no and the complainant drove off. Two weeks later, the complainant received a parking citation from the officer for expired registration and double parking. The complainant stated that she did not double park and that her registration was not expired, only her tags were. The officer stated that he was working a 10B assignment for PG&E Co. with the purpose of keeping the exits clear of traffic and illegally parked cars. He stated that on two occasions he advised the complainant that she could not park near the entrance of the PG&E yard because she did not have a disabled placard. The complainant still double-parked near an entrance, blocking a truck as it was coming out. The officer approached the car to issue a citation and the complainant drove away. The officer checked the complainant's license plate and learned the registration was expired. He issued a citation for double parking and expired registration but could not place it on the vehicle because the complainant drove away. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that during an encounter with a police officer about parking, the officer spoke to the passenger of her car and put his hand on his firearm in a threatening manner. The officer stated that the passenger had yelled an obscenity and flipped his middle finger at the officer. The officer attempted to avoid contact with the passenger to avoid an argument. During this exchange, he took a bladed stance and placed his strong arm near his firearm as a safety precaution. He stated that he never took the strap off the holster or drew his firearm. There are no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/07/11

DATE OF COMPLETION: 01/26/12

PAGE #1 of 1

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

CATEGORY OF CONDUCT: CRD

FINDING: NF/W

DEPT. ACTION:

FINDINGS OF FACT: The complainant alleged that the officer threatened her. The complainant subsequently requested to withdraw her complaint against the officer.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/11 **DATE OF COMPLETION:** 01/18/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1:The officer(s) misused his/her police authority.

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

FINDINGS OF FACT: This complaint failed to provide additional requested evidence necessary to further the investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/12 **DATE OF COMPLETION:** 01/19/12 **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 Sheriff's Department
Investigative Services Unit/TLO
24 Van Ness Avenue, Room #350
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: 12/27/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to make an arrest. The complainant subsequently requested to withdraw his complaint against the officer.

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

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

FINDINGS OF FACT: The complainant alleged that the officer seemed homophobic. The complainant subsequently requested to withdraw his complaint against the officer.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/04/12 **DATE OF COMPLETION:** 01/09/12 **PAGE** #1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/12 **DATE OF COMPLETION:** 01/09/12 **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 the San Francisco Sheriff's Department.

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Room 350
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: 01/13/12 **DATE OF COMPLETION:** 01/19/12 **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 Sheriff's Department
Investigative Services Unit/TLO
25 Van Ness Avenue, Room #350
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: 01/27/12 **DATE OF COMPLETION:** 01/31/12 **PAGE #1** of 1

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

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

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

Dispatch Supervisor
Department of Emergency Management
1011 Turk 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: 02/02/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was resting while drinking a beer and sitting on the front porch steps of a private residence before he went to a lounge. He admitted that he did not know the owner(s) of the private residence. He was confronted by the officer and accused the officer of unjustly detaining him. The owner of the residence was interviewed. The owner stated he saw the complainant drunk and passed out on his (the owner's) front porch. He attempted to get the complainant to move along but the complainant would not respond. The owner called police for assistance in removing the complainant from his property, and the officer responded. The officer said the lounges had already closed when he confronted the complainant. The officer attempted to talk to the complainant and get him to move along; however, the complainant was belligerent and resisted the officer's efforts. A scuffle ensued and other officers responded to assist the named officer. The complainant was taken to the police station where he was cited and placed in the lockup. The evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer did not have any reason to issue a citation to him. The officer described the complainant as intoxicated, uncooperative and belligerent. The officer stated the complainant attempted to throw a liquor bottle at him, and the complainant grabbed a pen in a manner that could be used as a weapon. The officer scuffled with the complainant, brought him under control and issued a citation to him for misdemeanor battery and resisting arrest. A witness described this incident with details that were consistent with the interview of the officer. The evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officer used unnecessary force on him. The officer described the complainant as intoxicated, uncooperative and belligerent. Additionally, the officer stated the complainant attempted to throw a liquor bottle at him, and the complainant grabbed a pen in a manner the officer thought the complainant was going to use as a weapon. The officer applied a Department-approved takedown technique and brought the complainant under control. A witness was interviewed who saw the incident. The witness provided details that were consistent with the officer's description of this incident, and stated he did not see the officer use any unnecessary force on the complainant. The evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/11 **DATE OF COMPLETION:** 01/31/12 **PAGE** 1 of 5

SUMMARY OF ALLEGATION #1-2: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The officers stated they had a search warrant. A search warrant was prepared and signed by a judge. The evidence proved that the officers' actions were lawful and proper under current Department policies and procedures.

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

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

FINDINGS OF FACT: The officers stated they had a search warrant. A search warrant was prepared and signed by a judge. The evidence proved that the officers' actions were lawful and proper under current Department policies and procedures.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/11 **DATE OF COMPLETION:** 01/31/12 **PAGE** 2 of 5

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

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

FINDINGS OF FACT: The complainant stated that the officers arrested him on false charges of possession of Heroin. The officer stated that they seized plastic baggies of white substance and a scale that had the smell of vinegar, which he stated, is common for black tar heroin. He added that the manner in which the substance was found and packaged along with the scales was indicative of heroin and the totality of the circumstances gave him probable cause to arrest the complainant. The evidence proved that the officer's actions were lawful and proper under current Department policies and procedures.

SUMMARY OF ALLEGATION # 6: The officers damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officers damaged his bedroom set during the search. The officers denied the allegation. The officer stated that this was not brought to his attention otherwise he would have documented the damage in the incident report and photographed the furniture. The officer added that the complainant's home has been searched many times and it is unknown which time his furniture may have been damaged. The co-complainant corroborated the complainant's version. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/11 **DATE OF COMPLETION:** 01/31/12 **PAGE** 3 of 5

SUMMARY OF ALLEGATION #7-8: The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officers took baggies of baby formula from his home and tested them at the station, which they claimed was Heroin. The complainant stated there were no drugs in the house and that the police were lying. Officers denied the allegation. A sample of the suspected narcotic was tested indicating positive chemical reaction for Heroin. The investigating officer stated that he is also trained in presumptive testing but at that time he was not trained. He added that there would be no reason to document a false result because the substance is always tested in a lab later. The officer that witnessed the testing stated she observed and verified the checklist for both tests. The officers explained that regardless of the result the complainant was going to be booked. The presumptive test was conducted by an officer not involved in the case, per SFPD procedure, per test kit instructions and results were documented on a Form.

SUMMARY OF ALLEGATION # 9: The co-complainant was detained without justification.

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

FINDINGS OF FACT: The co-complainant stated that the same officers from the September 8, 2010 incident came to her work and detained her. The officer stated that the same informant who provided information for the search warrant of September 8, 2010 also provided information that the co-complainant carries a weapon with her. The officer stated he ran the co-complainant and found she had a traffic warrant and stated they used it as the pretext to contact her. The officer stated they set up surveillance and when she came into the building they detained her briefly and advised her on the traffic warrant. There is no CAD for that day and location. There is no procedure for verifying information provided by an informant. The co-complainant did not have witness information. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/11 **DATE OF COMPLETION:** 01/31/12 **PAGE** 4 of 5

SUMMARY OF ALLEGATION #10: The co-complainant was searched without cause.

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

FINDINGS OF FACT: The co-complainant stated she was pat searched and her purse was searched. The officer stated that the same informant who provided information for the search warrant of September 8, 2010 also provided information that the co-complainant carried a weapon with her. The search for the firearm was negative so the co-complainant was advised to take care of the traffic warrant. There is no CAD for that day and location. There is no procedure for verifying information provided by an informant. The co-complainant did not have witness information. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer failed to issue a certificate of release.

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

FINDINGS OF FACT: The co-complainant stated she requested a certificate of release because she wanted a paper stating she was detained and not arrested. She believed the contact was two hours. The officer stated that a certificate of release was not required because they did not handcuff the co-complainant, did not move her, and that the contact was brief. There is no CAD for that day and location. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/11 **DATE OF COMPLETION:** 01/31/12 **PAGE** 5 of 5

SUMMARY OF ALLEGATION #12: The officer used rude language.

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

FINDINGS OF FACT: The co-complainant stated she was told to shut-up when she questioned the detention. The officer denied the allegation. The co-complainant did not have information for her ex co-workers. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/11 **DATE OF COMPLETION:** 01/12/12 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer accused him of possessing narcotics and assaulting a person. The officer stated he used a “rouse” on the complainant regarding an assault investigation in order to side track the complainant from contacting his stepson or others at his residence. The officer said he was conducting a narcotics investigation and exercising a warrantless search on the complainant’s stepson. There were no witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was detained for no apparent reason. The officer stated he had an on-going narcotics investigation regarding the complainant’s stepson. The officer stated he and other officers were preparing to execute a probation search on the complainant’s stepson when the complainant exited his home. Thinking that it was the stepson, the officer detained the complainant. When the officer realized that the complainant was not the stepson, the officer pulled a “rouse,” further detaining the complainant. The officer stated that at that point, he needed to establish who the complainant was, his association with the stepson and the address, and who was going to be inside the residence as they were preparing to execute a probation search. The named officer and another officer stated that they had no knowledge of the complainant being involved in any way in his stepson’s criminal activities. The named officer admitted that the complainant was not engaged in any criminal activity when he was detained. OCC’s investigation established that the officer failed to establish reasonable suspicion to justify his detention of the complainant. As such, by a preponderance the evidence, the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/11 **DATE OF COMPLETION:** 01/12/12 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated he was detained and searched for no apparent reason. As stated above, the officer unlawfully detained the complainant. Additionally, the officer failed to demonstrate that the complainant might be armed and dangerous, making the search unlawful. As such, by a preponderance of the evidence, the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant stated the officer should not have searched his residence. The complainant admitted that his stepson, who had a search condition, lived with him. OCC's investigation established that the officer searched the complainant's stepson's room pursuant to the stepson's search condition. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/11 **DATE OF COMPLETION:** 01/12/12 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer entered the complainant's residence without cause.

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

FINDINGS OF FACT: As discussed above, the entry and search was done pursuant to the complainant's stepson's search condition. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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 complainant stated that during the search, personal items were seized from his stepson's room. The officer admitted seizing a large safe during the search. Department General Order 6.15 requires officers to issue a property receipt "When taking or receiving Property for Identification..." A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/11 **DATE OF COMPLETION:** 01/23/12 **PAGE #1** of 6

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

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

FINDINGS OF FACT: The complainants stated they did not violate any laws or commit any crimes; yet, the officers stopped them for no apparent reason. The officers stated they stopped the complainants on the basis of the descriptions a caller provided to the 911 operator. The caller requested police assistance in stopping the complainants because the caller believed the complainants were part of a group that committed an assault and theft on a previous date. An audio recording made of the 911 call and radio communications between police dispatch and the officers substantiate that officers stopped the right individuals. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainants stated they did not violate any laws or commit any crimes; yet, officers stopped them on the basis of a 911 call, which provided descriptions of the complainants, broadcast over the police radio, who were believed to have committed a previous assault and theft that occurred two weeks earlier. The complainants further alleged their detention was unnecessarily prolonged. The officer argued she responded to the scene where the complainants were initially being detained, but directed that the complainants be transported to the police station in order for the officer to conduct a proper investigation. The officer indicated that all of her work product (i.e., reports, video footage, etc.) was at the station. The evidence disclosed the officer had already developed and identified the suspects who were involved in the assault and theft regarding the previous incident. Furthermore, there was no probable cause for detaining the complainants beyond the time needed to establish their identity and perform other routine queries. A preponderance of the evidence proved that the named officer failed to take action required by the Department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/11 **DATE OF COMPLETION:** 01/23/12 **PAGE #2 of 6**

SUMMARY OF ALLEGATION #4: The officer handcuffed the individual without cause.

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

FINDINGS OF FACT: Another officer who was in charge of the investigation relating to the incident for which the named officer responded, directed other officers to transport three suspects to the police station for further investigation. The named officer complied as directed by handcuffing and transporting one of the suspects in accordance with Department policy. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #5: The officer had the complainants handcuffed without cause.

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

FINDINGS OF FACT: The officer was in charge of an investigation relating to the complainants being initially detained pursuant to a 911 call. After responding to the location of the complainants' detention, the officer directed that the complainants be handcuffed and transported to the police station for further investigation. The evidence disclosed the officer had already developed and identified the suspects who were involved in the previous incident that sparked the 911 call. Furthermore, there was no justification or probable cause for handcuffing the complainants. A preponderance of the evidence proved that the named officer failed to take action required by the Department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/11 **DATE OF COMPLETION:** 01/23/12 **PAGE #3 of 6**

SUMMARY OF ALLEGATION #6: The officer searched the individual without cause.

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

FINDINGS OF FACT: Another officer who was in charge of the investigation relating to the incident for which the named officer responded, directed other officers to transport the suspects to the police station for further investigation. Following Department policy, the named officer performed a pat search on one of the suspects prior to transport. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #7: The officer caused the complainants to be searched without cause.

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

FINDINGS OF FACT: The officer was in charge of an investigation relating to the complainants' (suspects') initial detention. After responding to the location where the complainants were being detained, the officer directed that the complainants be transported to the police station for further investigation. Prior to transport, other officers pat searched the complainants according to Department policy. The evidence disclosed the officer in charge of an investigation had already developed and identified the suspects who were involved in the previous incident that sparked the call for service. Consequently, there was no need for the prolonged detention and no justification or probable cause for performing a pat search of the complainants. A preponderance of the evidence proved that the named officer failed to take action required by the Department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/11 **DATE OF COMPLETION:** 01/23/12 **PAGE #4 of 6**

SUMMARY OF ALLEGATIONS #8-10: The officers displayed inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainants alleged the officers conducted themselves inappropriately during their detention, and the officers made inappropriate comments. The officers indicated they had to assert themselves because the complainants were resistant to a consensual encounter. The officers denied making inappropriate comments but acknowledged making certain remarks, which the complainants might have misinterpreted. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #11-12: The officers engaged in racially biased policing.

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

FINDINGS OF FACT: The complainants stated they did not violate any laws or commit any crimes, and the officers detained them on the basis of their race. The officers indicated they detained the complainants because of a call for service from the Department of Emergency Management (DEM) that provided the descriptions of the complainants as suspects in a prior assault and theft that occurred at an establishment the complainants had visited just before being detained. A review of the pertinent Incident Reports, DEM records and audio recordings support the officers' justification for the stop. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/11 **DATE OF COMPLETION:** 01/23/12 **PAGE #5 of 6**

SUMMARY OF ALLEGATION #13: The officer failed to Mirandize one of the individuals being detained.

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

FINDINGS OF FACT: The complainants alleged the officers asked them questions, without Mirandizing them, about an assault and theft that occurred approximately two weeks prior. The officer stated she did provide Miranda warnings to one of the individuals being detained. This individual acknowledged in her OCC interview that the officer did in fact give her the warnings. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #14: The officer failed to Mirandize the complainants.

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

FINDINGS OF FACT: The complainants alleged the officers asked them questions, without Mirandizing them, about an assault and theft that occurred approximately two weeks prior. The officer stated she did not remember whether she provided Miranda warnings to the complainants, but she did not ask them any questions that would incriminate themselves. No independent witnesses were developed to corroborate the complainants' allegations. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/11 **DATE OF COMPLETION:** 01/23/12 **PAGE #6 of 6**

SUMMARY OF ALLEGATION #15: The officer failed to comply with Department General Order (DGO) 7.01

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

FINDINGS OF FACT: The complainant alleged the officer interviewed her daughter without the complainant being present for the interview. The complainant also described other actions by the officer, which appeared to indicate the officer failed to comply with certain other provisions of DGO 7.01. The officer stated she did not interview the complainant's daughter. The officer stated the complainant, who was being detained at the same time, was separated but seated in close proximity to her daughter, and the complainant could hear everything being said to the daughter. The officer did not remember whether the complainant's daughter was handcuffed to any stationary object at the police station, but indicated the daughter might have been. The officer explained that if the complainant's daughter were handcuffed to a stationary object, it was because the daughter was behaving in an uncontrollable manner. The officer added that she would have removed the handcuffs once the complainant's daughter calmed down. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #16: The officer arrested the complainants without cause.

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

FINDINGS OF FACT: The complainants stated they did not violate any laws or commit any crimes; yet, officers stopped them on the basis of a 911 call, which provided descriptions of the complainants, broadcast over the police radio, who were believed to have committed a previous assault and theft that occurred approximately two weeks earlier at a retail store. The complainants further alleged their detention amounted to an arrest. The officer argued she responded to the scene where the complainants were initially being detained, but directed that the complainants be transported to the police station in order for the officer to conduct a proper investigation. The officer indicated that all of her work product (i.e., reports, video footage, etc.) was at the station. The evidence disclosed the officer had already developed and identified the suspects who were involved in the assault and theft regarding the previous incident. Furthermore, there was no probable cause for detaining the complainants beyond the time needed to establish their identity and perform other routine queries. A preponderance of the evidence proved that the named officer failed to take action required by the Department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/02/11 **DATE OF COMPLETION:** 01/19/12 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1- 2: The officers used unnecessary force during the detention of an unknown male.

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

FINDINGS OF FACT: The complainant alleged the officers grabbed an unknown club patron from behind, threw him to the ground, placed their knees into the subject's back and started whacking the subject on the back of his head and neck with the officers' batons. The officers stated they responded to the scene of a nightclub based on complaints from several neighborhood residents who lived in the area. Neighborhood residents complained of large numbers of disorderly patrons loitering outside of the club. Neighbors specifically complained about large numbers of people making a lot of noise, drinking in public (some of whom were intoxicated), sporadic fighting, urinating in public, etc. The named officers, who were among other officers who responded to the scene, observed some of the violations for which neighborhood residents had complained. The officers described a chaotic situation where several hundred patrons, who were standing on the sidewalk and the streets outside of the club, outnumbered the amount of officers who responded. The officers also provided photographs of the scene during the time they were attempting to restore order. The officers described using force on one of the club patrons, but denied using excessive force in the manner described by the complainant on the unknown subject. The officers described using the minimum amount of force necessary, which was a Department-approved technique, in bringing the subject under control. San Francisco Police Department records indicate the force used was properly entered into the police station's Use of Force Log. It should be noted that due to the large number of civilians who were present during this incident, including the neighbors who alerted police, no one other than the complainant accused any police officer of using unnecessary or excessive force. A review of department photographs depicting large numbers of persons milling around the club are inconclusive. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The co-complainant described an incident by which he believed the officer wrongfully cited him for receiving a hot dog from an unlicensed vendor outside of the nightclub. The officer did not specifically remember the incident. The officer acknowledged issuing citations and described in broad terms his reason for issuing citations at the club, which were because of the various infractions committed in his presence. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/02/11 **DATE OF COMPLETION:** 01/19/12 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant alleged the officer was demeaning in his interaction with the complainant and threatened to issue citations to him if the officer saw nightclub patrons committing the same infractions again. The complainant further alleged the officer believed the complainant could control the behavior of patrons who were customers at the nightclub or standing outside near the nightclub. The officer stated that he did not remember the complainant and denied making such threats to the complainant. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged the officer used profanity in his interaction with the complainant. The complainant alleged the officer, who responded to investigate complaints about events being held at the nightclub, admonished him and felt the complainant was responsible for the behavior of patrons who were customers inside the nightclub or standing outside near the nightclub. The officer stated that he did not remember the complainant and denied using profanity directed at the complainant. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/02/11 **DATE OF COMPLETION:** 01/19/12 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: The officer handcuffed an unknown male without justification.

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

FINDINGS OF FACT: The complainant alleged he saw the officer handcuff an unknown male subject for no apparent reason. The officer described responding to various calls for service concerning chaotic incidents at a nightclub. Some of these incidents involved several hundred patrons, who were standing on the sidewalk and the streets outside of the club. Some of the patrons were disorderly and committing various misdemeanors/infractions. The officer stated nightclub patrons greatly outnumbered the amount of officers who responded to these incidents. The officer also provided photographs of one incident where he and other officers were attempting to restore order. The officer acknowledged handcuffing patrons during some of these incidents; however, the officer did not know the specific incident the complainant described. The officer stated the handcuffing he performed of individuals at these incidents was in compliance with the law and department policy. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer arrested an unknown male without cause.

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

FINDINGS OF FACT: The complainant alleged he saw the officer arrest an unknown male subject for no apparent reason. The officer described responding to various calls for service concerning chaotic incidents at a nightclub. Some of these incidents involved several hundred patrons, who were standing on the sidewalk and the streets outside of the club. Some of the patrons were disorderly and committing various misdemeanors/infractions. The officer described various incidents where nightclub patrons greatly outnumbered the amount of officers who responded to these incidents. The officer acknowledged he had either arrested or participated in the arrest of individuals during some of these incidents; however, the officer did not know the specific arrest the complainant was referring to. The officer stated the arrests he either made or participated in were in compliance with the law and department policy. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/02/11 **DATE OF COMPLETION:** 01/12/12 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant was identified by the victim to be the suspect. The complainant said he was not at the residence when the victim knocked on the door. The officers denied the allegation. The officers stated they responded to a report by the victim to the complainant's residence and arrested him. The witnesses did not provide their statements. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #3: The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The complainant stated the officers pounded on the patio door with their batons. The officer denied the allegation. The officer said there were no officers that used their batons to pound or strike a door at the residence. The witnesses did not provide their statements. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/02/11 **DATE OF COMPLETION:** 01/12/12 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #4-7: The officers entered private property without cause.

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

FINDINGS OF FACT: .The complainant stated the officers entered the rear of the residence, which he alleged was private property. The officers responded to a report by the victim regarding the complainant who made terrorist threats against him at the residence. The officers stated the housing development is a public housing property and the back area is a common area. The witnesses did not provide their statements. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #8: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant said the officer alleged he was violent and extremely confrontational. The officer denied the allegation. The officer stated he has a brother who is also a police officer and the complainant may have confused him with his brother regarding contacts. The officer said the complainant singled him out in a threatening or antagonizing manner when he patrols the area. The witnesses did not provide their statements. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/02/11 **DATE OF COMPLETION:** 01/12/12 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #9-10: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officers made no attempt to help him when the San Francisco Sheriffs Department (SFSD) Deputies assaulted him during booking. The officers stated the complainant was uncooperative and resisted the Deputies. The officers said the Deputies used appropriate force on the complainant and it was their jurisdiction regarding the complainant's booking there. The San Francisco Sheriff Department videos of the incident did not reveal the Deputies using clear unnecessary force or actions on the complainant. The witnesses did not provide their statements. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/09/11 **DATE OF COMPLETION:** 01/18/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer arrested him without cause. The officer stated he arrested the complainant for selling narcotics to an undercover officer. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer used excessive force

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

FINDINGS OF FACT: The complainant stated the officer used excessive force on him during his arrest. The officer denied the allegation and stated the force he used was reasonable and not excessive as the complainant fled the scene and had to be pursued on foot. The officer further stated the force was necessary to take the complainant into custody. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/09/11 **DATE OF COMPLETION:** 01/18/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3-5: The officers failed to identify themselves as police officers.

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

FINDINGS OF FACT: The complainant stated the officers who initially approached him did not identify themselves as police officers. The officers stated they identified themselves verbally as police officers as well as having their department issued stars on the outer clothing. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/11 **DATE OF COMPLETION:** 01/19/12 **PAGE#** 1of 2

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

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

FINDINGS OF FACT: The complainant alleged she reported a sexual assault and the officers failed to properly investigate her report. The officers denied the complainant reported being raped or sexually assaulted but spoke of having consensual sexual relations on multiple occasions with the person she feared and suspected was following her. The officer reported the event as a mental health detention/suspicious occurrence rather than a sexual assault. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The member is the San Francisco Police Department Reserve Officer and the allegation has been referred to the San Francisco Police Department Reserve officer program to the attention of:

San Francisco Police Department- Training Division
350 Amber Street Way
San Francisco, CA 94131
(415)401-4635

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/11 **DATE OF COMPLETION:** 01/19/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer detained the complainant for a psychiatric evaluation without justification.

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

FINDINGS OF FACT: The evidence was inconclusive whether the complainant's behavior indicated she was a danger to herself. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer detained the complainant for a psychiatric evaluation without justification.

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

FINDINGS OF FACT: The member is the San Francisco Police Department Reserve Officer and the allegation has been referred to the San Francisco Police Department Reserve officer program to the attention of:

San Francisco Police Department- Training Division
350 Amber Street Way
San Francisco, CA 94131
(415)401-4635

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/11 **DATE OF COMPLETION:** 01/26/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated she was trying to enter a parking garage near a construction site when a uniformed police officer motioned her away and screamed at her repeatedly to leave the area. Furthermore, the officer would not assist the complainant and told her not to question his authority. The complainant described this officer as being fair skinned, freckles white male officer in his thirties. An officer assigned to the area did not recall any encounter with the complainant and denied being in the exact area described by the complainant at that time. That officer also did not fit the officer description provided by the complainant. Other officers stationed in the area also did not fit the officer description provided by the complainant. There were no independent witnesses to this contact. 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: 03/30/11 **DATE OF COMPLETION:** 01/31/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officers wrote an inaccurate incident report. The officer stated that his incident report was accurate. Officers on scene confirmed that the incident report was accurate. There were no independent witnesses to this incident who came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to arrest the suspect or prosecute the case. The officer's chronological file showed that the case was investigated. Her investigation included a phone interview with the suspect who was no longer within the state and not returning to California for a minimum of several weeks, and an interview with the complainant's roommate. The officer also obtained an Emergency Protective Order for the complainant during the course of the investigation, discussed the Emergency Protective Order with another police agency (Capitola Police Department) and met with the complainant at the station, providing the complainant with a supplemental report form to make any amendment to the incident report that the complainant felt were appropriate. The officer stated she presented the case to the District Attorney's office that refused to file charges against the suspect and closed the case. The evidence showed that the officer acted appropriately pursuant to department policy and procedures.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/07/11 **DATE OF COMPLETION:** 01/26/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-4: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant alleged three officers entered his residence under false pretenses and without cause even though he did not know what happened between his adult son and officers at the front door. A dependent witness verified two males and one female officer entered the residence without consent after her son opened the front door. The complainant's son did not respond to OCC requests for an interview. The officers denied the allegation and stated an adult male gave them verbal consent to conduct a well being check after they explained that they were responding to a call of a rape of a child in progress. Furthermore, the reportee stated the little girl was being forced to bathe. The preponderance of the evidence is sufficient to conclude despite conflicting facts as to consent that the officers lawfully entered the residence under exigent circumstances to prevent a violent crime or the destruction of evidence. The officers' actions were lawful and proper.

SUMMARY OF ALLEGATIONS #5-7: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant alleged that three officers searched three bedrooms inside their residence under false pretenses despite his wife's objection. The complainant's wife verified she objected to the search, but their son did not respond to OCC requests for an interview. The officers denied the allegation and stated the complainant's son gave them verbal consent to enter and conduct a well being check after they explained the nature of their response. Furthermore, the reportee stated the little girl was being forced to bathe. The preponderance of the evidence is sufficient to conclude that despite conflicting facts as to consent that the officers lawfully entered the complainant's residence under exigent circumstances to prevent a violent crime or the destruction of evidence. The officers' actions were lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/11 **DATE OF COMPLETION:** 01/19/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that he was assaulted by an unidentified employee of a retail establishment who kicked him from behind. The complainant said he reported this incident to police the following day but declined a uniformed officer's offer to accompany the complainant to the store so he could identify the assailant. The complainant stated that he has met with and spoken by telephone with the investigator assigned to this case but believes this officer has not properly investigated this matter. Department records indicate the complainant reported the assault four days after it happened and stated that he did not see who kicked him but believed it was the store's manager. The named officer stated that he conducted a thorough investigation but that his ability to identify the assailant was hindered because the complainant did not notify police at the time of the incident and because there was no surveillance video footage of the incident, which took place outside the store. The named officer provided the OCC with a detailed chronology of his multiple contacts with the complainant and a description of the steps he took during his investigation. These included interviewing the store manager, obtaining surveillance video footage from the store and checking the area of the incident for other surveillance cameras that might have recorded the assault. The officer's conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/12/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officers harassed him without justification, because he was involved in a friend's complaint against the officers. The officers denied the allegation. The officers questioned the complainant about his loitering activities in the area. A witness said one of the officers spoke to the complainant about loitering in the area. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant said he was detained without cause. The officers stated they detained the complainant regarding a warrantless parole search and then subsequently admonished him about alerting drug dealers regarding police presence and not to loiter in the area. The officers stated they had a brief encounter with the complainant. SFPD records reveal the contact between the officers and the complainant was brief and he was not handcuffed or moved. A witness said one of the officers spoke to the complainant about loitering in the area. 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: 04/12/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant said officers searched him without cause. The complainant admitted he was on parole. The officers stated they observed the complainant loitered in the area to alert drug dealers about police presence. The officers contacted the complainant and conducted a warrantless parole search on him since he was on active parole. A witness said one of the officers spoke to the complainant about loitering in the area. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #7-8: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant believed the officers racially profiled him. The complainant admitted he was on parole. The officers were interviewed relative to the OCC's policing protocol and denied the allegation. The officers observed the complainant standing at the corner of an intersection loitering. The officers stated they knew of the complainant's association with narcotic activities and warning drug dealers of police presence. A witness said one of the officers spoke to the complainant about loitering in the area. 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: 04/13/11 **DATE OF COMPLETION:** 01/18/12 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The contact between the complainant and officer occurred during a traffic stop. The complainant stated the officer wrongfully accused him of striking the visor of his motorcycle helmet and being untruthful. The witness did not see the entire transaction. The officer denied the allegation, stating the complainant accidentally struck him while he gestured with his hands. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer stopped the complainant during a traffic stop. He found the complainant had an invalid license. The passenger and the complainant switched seats. During the switch, the complainant stated he requested the officer's name and star number while he and the officer were alone. The complainant stated the officer failed to properly identify himself. The witness did not overhear this portion of the contact. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/11 **DATE OF COMPLETION:** 01/18/12 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: The officer issued a negligent citation.

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

FINDINGS OF FACT: The complainant stated he had a valid California Driver's license at the time the officer cited him for CVC 12500a. DMV records indicated that one month prior to the issuance of the citation, the complainant was mailed an order of surrender to his address of record based on a failure to appear in another jurisdiction. Even if the complainant had resolved the failure to appear in the other jurisdiction, the officer had the right to rely on DMV records transmitted to him during the traffic stop. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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 enter mandatory traffic stop data into the appropriate mask in compliance with A Department Bulletin 10-335. During OCC questioning, the officer spontaneously referred to previous OCC interviews regarding similar past allegations against him where he also failed to make the same mandatory entries. The officer was unable to articulate the requirements for compliance with A priority SFPD bulletins. The officer demonstrated unfamiliarity with SFPD Bulletin 10-335, the applicable bulletin requiring officers to enter appropriate E585 data for traffic stops, stating he was unfamiliar with bulletin numbers. The officer also stated that he was unsure if he had complied with general E585 requirements with regard to the incident complained of. The officer said that at the end of his shift, the report writing terminals for his unit were often populated by officers performing specialized reports and the SFPD did not pay him overtime to make E585 entries. On the day of the incident complained of, during a 12 hour period ending with the officer's watch off, there were six reported accidents requiring a specialized report per CAD. Only three reported incidents with the need for a specialized report occurred during the time when the officer neared his signoff time. The officer's unit is located in a large building where there are multiple report writing terminals located for many other units, and there was no shortage of dedicated terminals. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/18/11 **DATE OF COMPLETION:** 01/20/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he went into a district police station and spoke to the officer regarding police misconduct. The complainant stated the officer refused to allow him to speak to a supervisor and refused to assist him with filing a complaint against another officer. The named officer had a vague recollection of the incident but did not believe the complainant mentioned anything about speaking to a supervisor or wanting to file a complaint against another officer. The named officer only remembered the complainant speaking about an eviction of a residence. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in this complaint.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/18/11 **DATE OF COMPLETION:** 01/20/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer allowed the new owner of the residence to change the locks causing him to be locked out. The officer stated the new owner of the residence produced a court order signed by a judge that stated the new owner was the legal owner of the residence and the complainant had no documentation that stated otherwise. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/11/11 **DATE OF COMPLETION:** 01/20/12 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated the officer issued her a citation without cause. The officer stated she cited the complainant for littering. The complainant denied littering on the citation. The witness officer did not observe the littering. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT _The complainant stated the officer made inappropriate comments and displayed inappropriate behavior. The officer denied the allegation. The witness officer did not over hear any conversation with the complainant and the named officer. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/11/11 **DATE OF COMPLETION:** 01/20/12 **PAGE #2** of 2

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

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

FINDINGS OF FACT: The complainant stated the officer cited her because of her ethnic background. The officer was interviewed relative to the OCC's biased policing protocol and denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: During the initial part of the OCC's investigation, there was no record of the required E585 data entry being made to document this traffic stop. After further investigation, it was discovered that the entry was made and documentation was provided to OCC by SFPD legal to verify the entry. The evidence proved that the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/11 **DATE OF COMPLETION:** 01/12/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was doing petition work at the Trader Joe's parking lot when she was approached by security guards and asked to leave. When the complainant refused, the security guards called the police. The complainant stated she was then subsequently detained by the named officers. Department records show that the officers responded to Trader Joe's regarding a fight between security and a woman soliciting, later identified as the complainant. Based on the call received by the dispatch, the officers had reasonable suspicion to detain the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was lawful, justified and proper.

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

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

FINDINGS OF FACT: The complainant was cited for trespassing. The Citizen's Arrest Form shows that the complainant was placed under private person's arrest, requiring the officer to accept the arrest. The complainant was cited and released at the scene. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was lawful, justified and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/11 **DATE OF COMPLETION:** 01/31/12 **PAGE#** 1 of 8

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

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

FINDINGS OF FACT: The complainants alleged there was no justification for the officers to pull their vehicle over and detain them. The officers stated they saw one of the complainants driving the vehicle, and the officer knew the complainant's driver's license had been suspended for reckless driving. The officers approached the vehicle and smelled the odor of suspected marijuana emanating from the vehicle. The officers further detained the complainants pending their investigation of a suspected illegal drug violation. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainants alleged there was no justification for the officer to pull their vehicle over and detain them. The officer stated he did not participate in the detention of the complainants. Furthermore, the officers who were interviewed stated the named officer was not present, and an examination of Department records did not reveal the named officer was present. The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/11 **DATE OF COMPLETION:** 01/31/12 **PAGE#** 2 of 8

SUMMARY OF ALLEGATIONS #4 & 5: The officers handcuffed the complainants without justification.

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

FINDINGS OF FACT: The complainants alleged the officers did not have any justification to handcuff them. The officers acknowledged handcuffing the complainants but stated they did so for reasons of officer safety. The officers stated the following. They saw one of the complainants driving the vehicle, and the officers knew the complainant's driver's license had been suspended for reckless driving. The officers approached the vehicle and smelled the odor of suspected marijuana emanating from the vehicle. The officers detained the complainants pending their investigation of the suspected illegal drug violation and to confirm the suspended license. Furthermore, the officers stated they knew about the complainants' criminal histories, which involved several arrests for violent felonies including robbery, murder and possession of firearms. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #6: The officer handcuffed the complainants without justification.

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

FINDINGS OF FACT: The complainants alleged the officer did not have any justification to handcuff them. The officer stated he was not at the scene of this incident and did not handcuff the complainants. The officers who were interviewed stated the named officer was not present, and an examination of Department records did not reveal the named officer was present. The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/11 **DATE OF COMPLETION:** 01/31/12 **PAGE#** 3 of 8

SUMMARY OF ALLEGATIONS #7 & 8: The officers pat searched the complainants without cause.

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

FINDINGS OF FACT: The complainants alleged the officers did not have any justification to pat search them. The officers acknowledged pat searching the complainants but stated they did so for reasons of officer safety. The officers stated the following. They saw one of the complainants driving the vehicle, and the officers knew the complainant's driver's license had been suspended for reckless driving. The officers approached the vehicle and smelled the odor of suspected marijuana emanating from the vehicle. The officers detained the complainants pending their investigation of the suspected illegal drug violation and to confirm the suspended license. Furthermore, the officers stated they knew about the complainants' criminal histories, which involved several arrests for violent felonies including robbery, murder and possession of firearms. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #9: The officer pat searched the complainant without cause.

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

FINDINGS OF FACT: One of the complainants alleged the officer did not have any justification to search him. He also complained about the manner in which the officer searched him. The officer stated he was not at the scene of this incident and did not search any of the complainants. The officers who were interviewed stated the named officer was not present, and an examination of Department records did not reveal the named officer was present. The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/11 **DATE OF COMPLETION:** 01/31/12 **PAGE#** 4 of 8

SUMMARY OF ALLEGATIONS #10 & 11: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainants alleged the officers did not have any justification to search their vehicle. The officers acknowledged searching the complainants' vehicle, but stated they did so for reasons of officer safety and to investigate a suspected drug offense being committed. The officers stated the following. They saw one of the complainants driving the vehicle, and the officers knew the complainant's driver's license had been suspended for reckless driving. The officers approached the vehicle and smelled the odor of suspected marijuana emanating from the vehicle. The officers detained the complainants pending their investigation of the suspected illegal drug violation and to confirm the suspended license. Furthermore, the officers stated they knew about the complainants' criminal histories, which involved several arrests for violent felonies including robbery, murder and possession of firearms. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainants alleged the officer did not have any probable cause to search the vehicle they were riding in. The officer stated he was not at the scene of this incident and did not search the complainants' vehicle. The officers who were interviewed stated the named officer was not present, and an examination of Department records did not reveal the named officer was present. The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/11 **DATE OF COMPLETION:** 01/31/12 **PAGE#** 5 of 8

SUMMARY OF ALLEGATIONS #13 & 14: The officers engaged in racially biased policing.

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

FINDINGS OF FACT: The complainants alleged the officers detained them on the basis of their race. The officers were interviewed relative to the OCC's biased policing protocol, the officers acknowledged initiating the stop of the complainants' vehicle but denied stopping the complainants because of their race. The officers stated the following. They saw one of the complainants driving the vehicle, and the officers knew the complainant's driver's license had been suspended for reckless driving. The officers approached the vehicle and smelled the odor of suspected marijuana emanating from the vehicle. The officers detained the complainants pending their investigation of the suspected illegal drug violation and to confirm the suspended license. The officers emphasized they stopped and detained the complainants' vehicle because of the traffic violation being committed in their presence as opposed to the complainants' race. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #15: The officer engaged in racially biased policing.

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

FINDINGS OF FACT: The complainants alleged the officer detained them on the basis of their race. The officer stated he was not at the scene of this incident and did not detain or participate in the detention of the complainants. The officers who were interviewed stated the named officer was not present, and an examination of Department records did not reveal the named officer was present. The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/11 **DATE OF COMPLETION:** 01/31/12 **PAGE#** 6 of 8

SUMMARY OF ALLEGATIONS #16 & 17: The officers used profanity.

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

FINDINGS OF FACT: The complainants alleged the officers directed profanity at them during their detention. The officers denied using any profanity. No independent witnesses were developed to corroborate the complainants' allegations. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #18: The officer used profanity.

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

FINDINGS OF FACT: The complainants alleged the officer directed profanity at the complainants while the officer was detaining them. The officer stated he was not at the scene of this incident; he did not detain or participate in the detention of the complainants; and he did not use any profanity. The officers who were interviewed stated the named officer was not present, and an examination of Department records did not reveal the named officer was present. The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/11 **DATE OF COMPLETION:** 01/31/12 **PAGE#** 7 of 8

SUMMARY OF ALLEGATIONS #19: The officer failed to take the required action.

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

FINDINGS OF FACT: The complainants alleged the officer did not provide them with the customary twenty-minute window for allowing them to find and authorize a properly licensed driver to drive their vehicle away before it was towed. The officer stated he was not at the scene of this incident and did not deny the complainants the opportunity to find a properly licensed driver. The officers who were interviewed stated the named officer was not present, and an examination of Department records did not reveal the named officer was present. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATIONS #20 & 21: The officers failed to take the required action.

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

FINDINGS OF FACT: The complainants alleged the officers did not provide them the customary twenty-minute window for allowing them to find and authorize a properly licensed driver to drive their vehicle away as a means of preventing the vehicle from being towed. The officers stated that because one of the complainants was driving the vehicle on a suspended driver's license, the officers did not have to provide the complainants with the twenty-minute window. The officers argued that their actions were based on a Department Bulletin and section 14601.1 of the California Vehicle Code. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/11 **DATE OF COMPLETION:** 01/31/12 **PAGE#** 8 of 8

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

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

FINDINGS OF FACT: The officer retired on June 24, 2011 and was therefore unavailable for an interview and no longer available and subject to department discipline.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/11 **DATE OF COMPLETION:** 01/19/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer cited him without cause. The officer stated he issued the citation because the complainant's vehicle made an unsafe lane change without proper use of signal, cutting off several vehicles and causing them to brake hard to avoid collision. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity and/or made inappropriate comments. The officer could not recall using profanity, stating that his demeanor was firm but fair. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/06/11 **DATE OF COMPLETION:** 01/19/12 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated the complainant erected his art on an A-Frame on the sidewalk, had no permit to sell his artwork and was a public nuisance on the sidewalk. The officer admonished the complainant and requested he remove his A-Frame from the sidewalk area. The complainant acknowledged he was situated on a narrow lane of the sidewalk and had posted a sign stating his art was free, though donations were accepted. Despite numerous attempts, the complainant failed to contact OCC to provide additional information. The evidence proved that the acts which provided the basis for the allegations occurred, however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer's conduct was threatening and abusive.

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

FINDINGS OF FACT: The officer denied the allegation. He was nice to the complainant stating he admonished him for the violations, rather than cite the complainant. The named officer noted the complainant was upset claiming he had been given conflicting information from another officer. Despite numerous attempts, the complainant failed to contact OCC to provide additional information. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/11 **DATE OF COMPLETION:** 01/13/12 PAGE 1 of 1

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

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

FINDING OF FACT: The complainant stated that he made a U-turn in the middle of the street to park across the street. The officer stated he witnessed the traffic violation and issued a citation. There is no dispute that the complainant committed the vehicle code violation for which he was cited. The officer's actions were proper.

SUMMARY OFF ALLEGATION: #2: The officers engaged in biased policing due to selective enforcement.

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

FINDING OF FACT: The complainant stated that the officer engaged in selective enforcement in the issuance of the citation. The officer was interviewed relative to the OCC's biased policing protocol and denied the allegation. The officer stated that the area where the complainant was cited is a commercial area and he enforces the traffic there. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/11 **DATE OF COMPLETION:** 01/31/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was identified as a suspect in an assault. The officers responded to a dispatched call regarding a suspect in an assault that left the scene. Officers stated the victim identified the complainant as the suspect. The victim completed a Citizen's Arrest form against the complainant. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers engaged in biased policing due to gender identity.

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

FINDINGS OF FACT: The complainant stated the officers targeted her, because of her gender. The officers responded to a broadcast that a suspect in an assault was in the area. The victim identified the complainant as the suspect and completed a Citizen's Arrest form against the complainant. The officers were interviewed relative to the OCC's biased policing protocol. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/11 **DATE OF COMPLETION:** 01/31/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer made up false documents against her. The officer denied the allegation. The victim identified the complainant as the person who assaulted him, a Citizen's Arrest form and a Cold Show Report was completed against the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #6-7: The officers engaged in retaliatory conduct.

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

FINDINGS OF FACT: The complainant stated the officers retaliated against her because of her past incidents. The officers denied the allegation. The officers responded to a broadcast of an assault and responded to the scene. The victim positively identified the complainant and he was subsequently arrested with a Citizen's Arrest form against him. 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: 05/24/11 **DATE OF COMPLETION:** 01/17/12 **PAGE #1** of 3

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

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

FINDINGS OF FACT The complainant stated the officers arrested him without cause. The officers stated they arrested the complainant because they observed him illegally sell a controlled substance. A controlled substance was discovered on the person of the complainant, however the complainant stated they were prescribed to him, even though he was not able to produce a prescription. There were no independent witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to provide their names and star numbers.

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

FINDINGS OF FACT: The complainant stated the officers failed to provide their names and star numbers. The officers denied the allegation. There were no independent witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/11 **DATE OF COMPLETION:** 01/17/12 **PAGE #2** of 3

SUMMARY OF ALLEGATIONS #5-6: The officers made inappropriate comments and displayed inappropriate behavior.

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

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

SUMMARY OF ALLEGATIONS #7-8: The officers used excessive force.

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

FINDINGS OF FACT: The complainant stated the officers used excessive force during the arrest by twisting his arms around behind his back. The officers denied the allegation and stated they used the standard SFPD handcuffing technique. There were no independent witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/11 **DATE OF COMPLETION:** 01/17/12 **PAGE #3 of 3**

SUMMARY OF ALLEGATIONS #9-10: The officers failed to return the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officers did not return his property (money seized during the arrest) to him. The officers stated the complainant's property was returned to him but there were items that were seized that had to be booked as evidence. The District Attorney's officer confirmed that they were in possession of the evidence seized during this arrest and would not release the property unless charges were not filed and that could take up to three years to determine. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/11 **DATE OF COMPLETION:** 01/30/12 **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 wrongfully issued him a citation for not wearing a seatbelt when in fact the complainant was wearing his seatbelt. The officer admitted that he issued the complainant a citation for not wearing a seatbelt. The officer stated he had a clear line of observation from behind the complainant and observed the seatbelt unfastened, dangling over and above the complainant's left shoulder. The officer stated that after he pulled the complainant's vehicle over, he observed the complainant reach up, pull down the seatbelt and fasten the belt. There were no witnesses to this incident. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to advise the complainant regarding how to handle the citation.

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

FINDINGS OF FACT: The complainant said that after the citation was issued, the officer provided no direction or advisement to the complainant about the procedures to handle the citation. The officer denied the allegation and stated he informed the complainant of the procedures involved in handling the citation. There were no witnesses to this incident. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/11 **DATE OF COMPLETION:** 01/30/12 **PAGE #2** of 2

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

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

FINDINGS OF FACT: During the course of the investigation it was proven that the officer neglected his duties when he failed to comply with Department Bulletin 10-335 regarding the collection of traffic stop data. The SFPD Legal division audited Department records and determined that the officer did not make the E585 Traffic data collection entry made for this traffic stop. A preponderance of evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the officer neglected his required duty.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 1 of 3

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

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

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

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

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

FINDINGS OF FACT: The complainant alleged the officer searched him without justification, patting him down for weapons and then going into his left pocket where his wallet and cell phone were located. The officer admitted that he searched the complainant for weapons and then went into the complainant's left pocket after feeling a bulging object inside the pocket. The officer stated that the complainant was aggressive, yelling and screaming at the officer. The officer also stated the complainant refused to comply with his orders. Additionally, the officer noted he was by himself and that the complainant had a passenger in his vehicle, prompting the officer to call for another unit. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 2 of 3

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 3 of 3

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/11 **DATE OF COMPLETION:** 01/26/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated a police report was not filed by station officers documenting an alleged threat to her son. The complainant admitted she was not present when her husband went to the station to report the alleged threat. The complainant's husband has not responded to OCC request for an interview. SFPD records document that complaints involving students are generally assigned to school resource officers and according to the named members the school resource officers had ended their shift. The named officers generated a CAD report documenting this incident and a police report was not filed. The officers said they offered to take an Incident Report from the complainant's relative but he declined and agreed to go to the son's school the next day regarding a parent teacher conference. The witnesses did not provide their statements. The preponderance of the evidence supports a proper conduct finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that property was missing upon getting her towed vehicle back from Auto Return. A witness also alleged that the property was left in the vehicle and was missing upon the complainant getting her vehicle back. The named officer and two witness officers denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the Inventory of Towed Vehicle Report was not accurate. The named officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant alleged that the officers used unnecessary force. The primary officer who had contact with the complainant said the complainant failed to comply with his orders and resisted during arrest. Another officer said he responded to the scene as back up. This officer said he held the complainant's ankles until the complainant was handcuffed. This officer further said the complainant resisted and vigorously struggled until put in handcuffs. Other officers that were questioned denied using force on the complainant. The force used by the named / identified officer was documented in department records. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer used pepper spray on the complainant.

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

FINDINGS OF FACT: The complainant alleged the officer used unnecessary force by using pepper spray on him. The officer said he used pepper spray because the complainant resisted during arrest and struggled with him while being physically controlled. The force used by the named / identified officer was documented in department records. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant alleged the officer issued him a citation without cause. The officer stated he cited the complainant for resisting, delaying investigation, and violating Traffic Code provisions. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer arrested him without cause. The officer said he arrested the complainant for Traffic Code violations and resisting arrest. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: The officer towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant alleged the officer towed his vehicle without justification. The officer stated the complainant parked his vehicle in a tow away zone. The officer stated the complainant also had an expired driver's license. Department of Motor Vehicles verified the complainant's driver's license was expired and had been expired for well over 30 days. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/11 **DATE OF COMPLETION:** 01/30/11 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer entered the residence without cause.

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

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

SUMMARY OF ALLEGATION #2: The officer detained occupants of residence at gunpoint without cause.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/11 **DATE OF COMPLETION:** 01/30/12 **PAGE#** 2 of 3

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

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

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

SUMMARY OF ALLEGATION #4: The officer searched residence without cause.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/11 **DATE OF COMPLETION:** 01/30/11 **PAGE#** 3 of 3

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

CATEGORY OF CONDUCT: CRD **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: 06/16/11 **DATE OF COMPLETION:** 01/30/12 **PAGE # 1 of 2**

SUMMARY OF ALLEGATIONS #1-4: The officers engaged in biased policing.

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

FINDINGS OF FACT: The named officers and one witness officer denied the allegations. The complainant provided no evidence that suggested the named officers expressed or acted in a biased manner. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer acknowledged searching the complainant, but 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/16/11 **DATE OF COMPLETION:** 01/30/12 **PAGE # 2 of 2**

SUMMARY OF ALLEGATIONS #6-7: The officers improperly seized the complainant's property.

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

FINDINGS OF FACT: The named officers and three witness officers denied the allegations. 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: 06/16/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said the officer did not explain the citation to her and grabbed it from her hand. The officer denied the allegation and stated he explained the violation to the complainant and referred her to traffic court. The officer said the complainant grabbed the ticket book from him. The decoy officer did not recall the incident. The complainant's son said he did not see the officer grab the citation from his mother but did recall the officer explained the citation to her. There were no other witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant said the officer issued a citation to her without cause. The complainant stated she did not see anyone crossing or in the median area while she approached the intersection. The officer observed the complainant drive her car and violated 21950(a)-failed to yield to a crossing pedestrian. The officer stated the pedestrian was a decoy officer who walked about halfway in the crosswalk area when the complainant drove by him without yielding. The complainant's son said there were no pedestrians in the crosswalk and in the median area. The decoy officer did not recall the incident. There were no other witnesses during the 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: 06/16/11 **DATE OF COMPLETION:** 01/09/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant said the officer discriminated against her based on her ethnicity. The officer was interviewed relative to the OCC's biased policing protocol and denied the allegation and said there were other drivers from different ethnic backgrounds who were cited during his shift. The complainant's son said the complainant made no mention of race being a factor with the traffic stop. There were no other witnesses during the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/11 **DATE OF COMPLETION:** 01/12/12 **PAGE # 1 of 3**

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

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

FINDINGS OF FACT: Based on the complainant's statements, the police report and related medical reports, the investigation accurately reflects there was no evidence to corroborate a crime or criminal activity took place. The evidence proved that the acts which provided the basis for the allegations occurred, however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer documented the incident as claimed by the complainant. Based on the evidence presented to him by the complainant and the related medical reports, the officer reported the incident appropriately. The evidence proved that the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/11 **DATE OF COMPLETION:** 01/12/12 **PAGE # 2 of 3**

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

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

FINDINGS OF FACT: The comments alleged by the complainant did not rise to the level of misconduct, but instead was a proper interrogatory question necessary for the officer to gather details of the alleged crime. The evidence proved that the acts which provided the basis for the allegations occurred, however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: Based on the complainant's statements, the police reports and related medical reports, the investigation accurately reflects there was no evidence to corroborate a crime or criminal activity took place. 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: 06/17/11 **DATE OF COMPLETION:** 01/12/12 **PAGE # 3 of 3**

SUMMARY OF ALLEGATION #5: The officer's conduct was biased due to complainant's race and sex.

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

FINDINGS OF FACT: An investigation did occur and based on the evidence as presented to the officers and the hospital staff, the officer performed the investigation appropriately. There is no evidence that biased policing occurred, other than a lack of evidence to substantiate the complainant's claims. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/20/11 **DATE OF COMPLETION:** 01/30/12 **PAGE#** 1 of 2

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/20/11 **DATE OF COMPLETION:** 01/30/12 **PAGE#** 2 of 2

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

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

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

SUMMARY OF ALLEGATIONS #6-7: The officers engaged in biased policing due to race.

CATEGORY OF CONDUCT: CRD **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: 06/24/11 **DATE OF COMPLETION:** 01/13/12 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers used force against the complainant.

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

FINDINGS OF FACT: The complainant stated a well dressed man, whom she believed to be an undercover officer, grabbed her by the neck and took her to the ground. The complainant stated she broke lose from his control and at that time a uniformed officer grabbed her by the jacket and threw her onto a car and kicked her in the stomach. She also stated that at the hospital one officer pushed her face/head against the wall. The officers denied the allegation. The witness stated he did not witness any use of force, kicking, or pushing. The complainant did not sign a medical release. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4-5: The officers detained the complainant for a mental health evaluation.

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

FINDINGS OF FACT: The complainant stated that she was detained for a 72-hour mental health detention. The officers stated that they had determined the complainant to be a danger to others. The officers stated that the complainant was detained vs. a citizen's arrest because there was no victim and no crime. The witness stated that the complainant was mentally off balance either drunk, mental health issue, or a combination of both but said he is not a professional. The complainant did not sign the medical release form. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/11 **DATE OF COMPLETION:** 01/13/12 **PAGE # 2 of 2**

SUMMARY OF ALLEGATIONS #6-7: The officers made inappropriate comments and exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officers made rude comments and lied to PES personnel. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS # 8-9: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officers did not give her a property receipt when money was taken from her. The officers denied the allegation and stated they did not touch her property as she was handed over to PES. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.