

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/11 **DATE OF COMPLETION:** 03/27/12 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The SFPD forwarded a complaint form to OCC stating that the complainant wanted the SFPD to investigate an officer using unnecessary force. The supervising officer responded to the hospital on the night that the incident occurred and after the complainant called the SFPD. The supervising officer searched for the complainant but could not locate the complainant to get any information regarding the incident. The OCC received the complaint and made multiple efforts by letter, and other research efforts to identify, locate and contact the complainant who did not provide a phone number or email address. An OCC investigator went to the complainant's residence and met with the complainant who stated that he would contact the same OCC investigator either in person or by telephone the following day. The complainant has not contacted the OCC to provide any information about the incident in which he stated that unnecessary force was used. Department records show that the complainant was stopped for public intoxication and there is no indication that any force was used by the officer. The complainant has failed to provide information needed to investigate the complaint.

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DATE OF COMPLAINT: 01/09/12 **DATE OF COMPLETION:** 03/27/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The preliminary investigation showed that the complainant provided a star number for the involved officer of #2511. The San Francisco Police Department has no officer with that assigned number. Further investigation showed that the person assigned that star number is a Patrol Special officer and not a sworn member of the San Francisco Police Department. The allegation raises matters outside OCC's jurisdiction and has been referred for investigation to:

Internal Affairs
San Francisco Police Department
850 Bryant Street, Room 545
San Francisco, CA 94103

SUMMARY OF ALLEGATIONS #2: The complainant alleged the officer's behavior and comments are inappropriate.

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

FINDINGS OF FACT: The preliminary investigation revealed that the involved officer is a Patrol Special officer and not a sworn member of the San Francisco Police Department. The allegation raises matters outside OCC's jurisdiction and has been referred for investigation to:

Internal Affairs
San Francisco Police Department
850 Bryant Street, Room 545
San Francisco, CA 94103

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SUMMARY OF ALLEGATION #3: The officer failed to write an incident report.

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

FINDINGS OF FACT: The preliminary investigation revealed that the involved officer is a Patrol Special officer and not a sworn member of the San Francisco Police Department. The allegation raises matters outside OCC's jurisdiction and has been referred for investigation to:

Internal Affairs
San Francisco Police Department
850 Bryant Street, Room 545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to take required action when he did not make an arrest.

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

FINDINGS OF FACT: The complainant stated that a person was aggressively panhandling and he wanted the officer to arrest the panhandler. The officer stated that the actions described by the complainant did not meet the criteria needed for the officer to make an arrest for aggressive panhandling. A review of the appropriate Municipal Police Code 120-2 indicates that the officer could not make an immediate arrest in the situation based on the facts provided by the complainant and furthermore, that the officer is required to provide a warning to the person who was allegedly aggressively panhandling and allow that person to comply with the law before an arrest is made. The evidence proved that the act alleged occurred, however, the act was proper and lawful.

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 that the officer's comments and behavior were inappropriate. The officer and a witness officer denied the allegation. There were no identified independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/03/12 **DATE OF COMPLETION:** 03/08/12 **PAGE # 1 of 1**

SUMMARY OF ALLEGATION #1: The officers comments and behavior were inappropriate.

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

FINDINGS OF FACT: The complainant requested that the complaint be withdrawn. The complainant stated that her request to withdraw the complaint was voluntary and without the influence of coercion or duress.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said the officer did not follow proper procedure regarding his property. He produced old receipts, dated over a year old. The complainant further stated the officer improperly disposed of a schoolbook. The complainant produced valid proof of enrollment, but did not produce a receipt for the book. The officer denied the allegation. Witnesses at the scene did not observe any salvageable items removed from the scene, stating what they saw were soiled and hazardous. They observed the complainant remove what was salvageable. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the officer threatened him with arrest and wrongfully threatened to deprive him of his bicycle. One witness did not hear the exchange. The other witness heard the officer threaten the complainant with arrest, but said the officer did so because the complainant would not leave after being told to leave numerous times. The same witness did not see the bicycle. The officer denied the allegation. She stated she told the complainant he had to leave because he was trespassing on private property.

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SUMMARY OF ALLEGATION #1: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that he was pulled over and cited for failing to stop at a stop sign. The complainant stated that he did not break the law. He saw the officer looking at him through the complainant's side view mirror before the officer pulled him over. The complainant stated he was given the citation because he is a Latino male in a high-crime area. The officer was questioned relative to the OCC's biased policing protocol, he stated that he could not see the complainant until he spoke to him about the ticket. The officer stated that he cited the complainant for failing to stop at a stop sign and that race did not play a factor in the traffic stop or in giving the complainant a citation. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that he was pulled over and cited for failing to stop at a stop sign. The complainant stated that he stopped at the stop sign, looked both ways and proceeded lawfully. The officer stated that he was in a position of concealment and witnessed the complainant's vehicle roll through the stop sign without coming to a complete stop. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officer used a sexually derogatory comment.

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

FINDINGS OF FACT: The complainant stated that she was on a bus when the driver stopped abruptly and she was injured. She called police to report the bus driver. When an Asian male officer arrived, he used a sexually derogatory comment when referring to the complainant. The incident could not be identified and the complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that she was on a bus when the driver stopped abruptly and she was injured. She called police to report the bus driver. When an Asian male officer arrived, he used profanity when referring to the complainant. The incident could not be identified and the complainant failed to provide additional requested evidence.

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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:

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer issued the complainant a citation without justification.

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

FINDINGS OF FACT: The complainant withdrew her complaint.

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

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

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

FINDINGS OF FACT: The complainant stated the officers beat him up causing injuries to his face, back, neck and elbows. The officers denied the allegation. The officers stated the complainant resisted arrest, resulting in a struggle. Medical records document that the complainant was yelling and combative, that there were no fractures or hemorrhage and that he sustained a corneal abrasion, contusion on head, and neck pain. The complainant's mother stated the officers kicked her son. The investigation showed that the witness did not observe the entire incident due to an obstructed limited view of incident and her leaving the window to go downstairs to the scene. There were no other witnesses to the incident that came forward. There is insufficient evidence to establish the level of force necessary to subdue the complainant.

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

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

FINDINGS OF FACT: The complainant stated he did not do anything wrong and only had used profanity against people attending a block party. The officers stated that people from the block party signed citizen's arrests against the complainant for reckless driving through the block party and endangering children and families. The complainant was also arrested for delaying and resisting arrest. The complainant admitted to resisting arrest. Per DGO 5.03 the officers had the authority to detain and handcuff the complainant for investigation and to arrest him per DGO 5.04 and CA Penal Codes 69, 245(a)(1), 422.6(a), and 148(a)(1).

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

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

FINDINGS OF FACT: The complainant stated one officer told him he was going to write in the report that the complainant swung at him. The complainant stated that the report states that he swung at an officer, which he denied. The complainant also stated that one of the officers threw the contents of his wallet at him while in the patrol car. The witness stated the officer threw her son's wallet in the back of the patrol car. The officers denied the allegation. The patrol car was parked across the street and down the hill and officers kept the complainant's parents and friends back as they had fear that they would try to lynch him. No other witnesses came forward. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7-8: The officers failed to process the complainant's property.

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

FINDINGS OF FACT: The complainant stated his license was missing and not returned. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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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 he was at OCCUPY Oakland where he was unknowingly drugged. The complainant stated that the next thing he knew he was at the San Francisco Embarcadero BART Station, where he had words with someone. He then boarded an east bay bound BART train when the named officer had him exit the train. The evidence provided by the complainant proved that the officer's actions were appropriate when he detained the complainant. An incident report was prepared by BART police who have jurisdiction in this case. The report showed that a person had been assaulted and injured. SFPD arrived on scene before the BART police arrived and identified the victim and witnesses. Witnesses identified the suspect as having boarded a BART train. The named officer boarded the BART train and based on the witness identification detained the complainant who was identified as the suspect, and had the complainant exit the BART train. BART officers arrived, assumed control and jurisdiction over the case, and subsequently conducted an investigation into the incident as the case was under their jurisdiction. The BART police investigation resulted in the complainant being arrested for the assault that occurred on BART property. The information provided shows the named officer's action in detaining the complainant was proper and lawful based on a reasonable suspicion that the complainant had committed a crime based on an injured victim, witness identification and the weapon that the complainant stated was his, located with the suspect/complainant.

SUMMARY OF ALLEGATIONS #2: The complainant alleged the officer neglected his duty by not investigating the complainant's statement.

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

FINDINGS OF FACT: The complainant stated that he told several persons including the named officer and other officers his story of what occurred but no one conducted a further investigation based on his story nor was anyone else arrested. The evidence proved that the conduct alleged by the complainant was unfounded as the named SFPD officer was not within his jurisdiction to conduct an investigation into a BART jurisdiction case. The named officer's role was to assist the BART police when he detained the complainant and then turned the complainant and this investigation over to the BART police, who then investigated the matter, including a videotaped interview with the complainant and a decision to arrest the complainant.

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

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

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

Bart Police Department
800 Madison Street
PO Box 12688
Oakland, CA 94604-2688

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

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

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

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

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

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

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

San Francisco Public Defenders Office
555 Seventh Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. The complaint has been referred to the California Highway Patrol

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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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 the officer detained him for a psychiatric evaluation without justification. The complainant, who admitted being depressed, said his sister saw him looking at a website concerning suicide and assumed he intended to harm his ex-wife and himself, possibly using firearms he owns. The complainant's sister then telephoned a police officer friend of hers seeking advice. The complainant heard his sister tell the named officer that he was planning to commit suicide. Officers then responded to the home of the complainant's mother, where he was staying. The complainant said he told the named officer that he did not intend to hurt himself or others and admitted owning firearms, but told the named officer they were not in the residence where he was staying.

The complainant's sister stated that her brother, who had recently divorced, had been living at their mother's house for two months, was depressed and had spoken about harming himself and his ex-wife and children, who lived in another state. The complainant's sister knew he possessed firearms and had seen him at their mother's home with what appeared to be a machine gun. On the day of the incident, the complainant's sister saw that her brother had done an online search relating to suicide and homicide on the screen of a computer, which she interpreted as meaning he intended to commit suicide. In response, the complainant's sister contacted several mental health hotlines to obtain counseling for her brother, but none would assist when they learned he possessed firearms. The complainant's sister telephoned the named officer, who is a friend of hers, on her personal cell phone seeking advice but not seeking a police response. Before the complainant's sister could fully explain the reason for her call, the named officer hung up and responded to their mother's home along with several other officers. When the officers arrived, she may have told the named officer that the complainant spoke about going to the home of his ex-wife and her children and killing them.

In her Incident Report narrative, the named officer wrote that the complainant's sister and mother told her that the complainant had said he was going to travel to another state and kill his ex-wife, her children and himself and that the complainant's sister said she had seen him with what appeared to be a machine gun.

The complainant's mother denied speaking to the named officer and denied telling her that the complainant had threatened to kill his ex-wife and himself.

The named officer stated that she detained the complainant for a psychiatric evaluation because his sister and mother gave her information indicating he was a danger to himself and others.

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SUMMARY OF ALLEGATION #1 continued:

A sergeant who responded stated that she spoke to the complainant at his mother's home and that after denying being depressed, he admitted that he was depressed, had been looking at a website connected with suicide and homicide and was considering suicide.

The evidence established that the named officer was provided with sufficient information to conclude that the complainant posed a potential danger to himself and others, justifying a detention for a psychiatric evaluation. 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 initiated police action without cause.

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

FINDINGS OF FACT: The complainant, who admitted being depressed, said his sister saw him looking at a website at their mother's home concerning suicide and assumed he intended to harm his ex-wife and himself, possibly using firearms he owns. The complainant's sister telephoned the named officer, who is a friend of hers, seeking advice about obtaining counseling for the complainant. The named officer and numerous other officers then responded to complainant's mother's home even though the complainant's sister had not wanted a police response. The named officer stated that several weeks before this incident the complainant's sister, who is a friend of hers, told her the complainant was depressed and owned firearms. In response the named officer explained the procedure and requirements for a mental health evaluation for someone who posed a danger to themselves or others. The named officer said that on the date of this incident, the complainant's sister called her on her personal cell phone and in a tearful voice told her the situation with the complainant was serious. The named officer asked the complainant's sister if the complainant was armed and she said she didn't know. The named officer immediately responded to the complainant's mother's home along with multiple other officers. Department records indicate that the named officer initiated a response to the complainant's mother's home on a call categorized as a person with a gun and six officers responded. A sergeant who responded stated that she was present in the same room as the named officer when she received the phone call from the complainant's sister. The sergeant stated that when the named officer ended her call with the complainant's sister, she described the matter as a person threatening suicide with a gun and that every available unit responded. The complainant's sister stated that she called the named officer seeking advice about her brother but was not seeking a police response.

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SUMMARY OF ALLEGATION #2 continued:

She stated that she told the named officer that she was concerned because her brother had spoken about hurting his family and himself. The named officer asked if her brother had weapons and when the complainant's sister said he did, the named officer said she was responding there. The complainant's sister said she told the named officer to wait, that she merely wanted to talk to her about the situation, but that the officer hung up without obtaining any additional information. The complainant's sister denied that she told the named officer several weeks earlier that she was concerned about her brother, that he was depressed or that he possessed firearms. The Department subject matter expert on mental health issues stated that when someone calls Communications to report a relative in psychological distress, the dispatcher will attempt to obtain as much information as possible, including: whether the subject has a history of violence or mental illness; whether they have firearms; whether they are under the influence of drugs or alcohol or are taking any medications. There are significant contradictions concerning the information the complainant's sister communicated to the named officer prior to the officer initiating police action. Therefore, there is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer seized the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that officers towed his vehicle without cause, wrongfully claiming that it had been used in the commission of a crime. The evidence established that the complainant was detained for a 72-hour psychiatric evaluation because he told family members he planned to travel to the home of his ex-wife and kill her before committing suicide. At the time of his detention, officers searched the complainant's vehicle and the residence where he was staying seeking firearms his family members said he possessed, but failed to find any. The following day, the complainant escaped from the psychiatric facility where he was being evaluated. The named officer ordered subordinate officers to have the complainant's vehicle towed under a section of the California Vehicle Code relating to vehicles used in the commission of a crime. The named officer stated that he had the vehicle towed and that the reason for the tow was that it might be used in the commission of a crime. The evidence established that the complainant's vehicle had not been used in the commission of a crime as defined by the cited Vehicle Code section and that under the circumstances, a warrant-less seizure of the complainant's vehicle was unjustified.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer prepared an inaccurate Inventory of Towed Vehicle form.

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

FINDINGS OF FACT: The evidence established that the named officer prepared an inaccurate Inventory of Towed Vehicle form for the towing of the complainant's vehicle. The named officer listed a section of the California Vehicle Code concerning vehicles used in the commission of a crime as the reason for the tow although the towed vehicle had not been used in the commission of a crime. The named officer stated that he did so upon the directions of a sergeant. The sergeant initially stated she did not direct the named officer to tow the vehicle and did not know whether the towed vehicle had been used in the commission of a crime. The sergeant subsequently acknowledged that she may have directed the named officer to tow the vehicle and may have passed on instructions from her captain concerning the reason for the tow. The named officer's captain stated that he ordered that the complainant's vehicle be towed and that the reason for the tow was that it might be used in the commission of a crime. The evidence established that the named officer listed an inaccurate reason for the tow on the Inventory of Towed Vehicle form but that he did so under the directions of a superior officer and without the knowledge that the information he was listing on the form was inaccurate. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper because they were done under orders from a superior officer.

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

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

FINDINGS OF FACT: The complaint raises matters outside OCC's jurisdiction as there was no involvement by a member of the San Francisco Police Department. The complaint has been referred to the San Francisco Recreation and Parks Department for investigation:

70 Elk Street
San Francisco, CA 94121

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

CATEGORY OF CONDUCT: **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:

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SUMMARY OF ALLEGATIONS #1-3: The officers arrested the complainants without cause.

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

FINDINGS OF FACT: The complainants alleged there was no justification for the officers to arrest them. The officers stated that they were assigned by their station Captain to conduct prostitution enforcement in their district based on community complaints and crimes that were committed in an area of the district known as the “Track,” and that the “Track” and surrounding areas were being over run by prostitution and related crimes. The officers were assigned to this detail for a couple of months working plainclothes and in uniform and were advised that there was zero tolerance for prostitution and related actions. The Department records corroborate the assignment and the quality of life complaints received from the community regarding prostitution and related crimes. The officers knew the co-complainants from seeing them nightly in the area, and acting in a manner of maintaining a nuisance by loitering for prostitution. The officers stated and Department records corroborated that the officers had admonished at least one of the co-complainants the night before and told them to leave the area as the officers were conducting a prostitution enforcement detail. The officers and Department records show that the co-complainants had either been admonished or arrested for prostitution related crimes in the past, in this area known for prostitution. The officers all stated that the co-complainants were arrested because the officers either had admonished them the evening before; observed them loitering in an area known for prostitution; noted the co-complainants were not waiting for or boarding either Muni buses or taxicabs that passed them by; there were few if any open businesses in the area; the co-complainants were dressed provocatively and inappropriately for the cold weather; and based on the officers knowledge of the area, the community complaints, their history of working that area and there knowledge of the complainants. Furthermore, during the officer’s initial investigation of the co-complainants, items used by prostitutes were found in the possession of the co-complainants including multiple condoms, lubrication and pepper spray. The evidence proved that the officers acted appropriately and lawfully when they arrested the co-complainants.

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DATE OF COMPLAINT: 04/18/11 **DATE OF COMPLETION:** 03/26/12 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant alleged the officer detained her without justification. Neither the named officer nor the witness officers recalled speaking with the complainant that night. A Department record shows that the complainant was queried but no officer recalled conducting the query. The same Department record shows that within two minutes of the query of the complainant's name, the officers were on another call inferring that the contact was of a minimal time length. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5: The officer used a sexual slur.

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

FINDINGS OF FACT: The complainants alleged that the officer used a sexual slur. The named officer and witness officers denied the allegation. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/18/11 **DATE OF COMPLETION:** 03/26/12 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #6-8: The officers selectively enforced the law.

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

FINDINGS OF FACT: The complainants alleged that the officers do not arrest individuals other than transgender or Latino persons. The officers denied the allegation and stated that they have arrested persons for crimes other than transgender and Latino persons. The Department records corroborate that the officers do not selectively enforce the law against any one group as the officers have arrested persons of different races, ethnicities and gender. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATIONS #9-11: The officers policing actions were biased due to the complainant's sexual orientation.

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

FINDINGS OF FACT: The complainants alleged that the officer's actions were biased against them because the complainants are transgender females. The officers were interviewed relative to the OCC's biased policing protocol and denied the allegation and stated their actions were not biased due to the complainant's sexual orientation. The officers stated that their actions were based on complaints from the community regarding ongoing criminal activity including prostitution and related crimes in the area; Department orders for zero tolerance of prostitution and related crimes in this area; the officers knowledge of the area as an area of prostitution and related crimes; their nightly observations of the complainants in the area, the admonishment of at least one of the complainants the evening before not to remain in the area; the complainants actions in this area of prostitution and related crimes including prior admonishments and arrests; and evidence of prostitution related crimes during the officer's investigation of the complainants. Based on the evidence, there was no indication in any manner that the officer's actions were biased due to the complainant's sexual orientation. The evidence proved that the acts alleged did not occur.

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SUMMARY OF ALLEGATIONS #12-14: The officer policing actions were biased due to ethnicity.

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

FINDINGS OF FACT: The complainants alleged the officer's actions were biased against them because the complainants are Latino. The officers were interviewed relative to the OCC's biased policing protocol and denied the allegation and stated their actions were not biased due to the complainant's ethnicity. The officers stated that their actions were based on complaints from the community regarding on going criminal activity including prostitution related crimes in this area; Department orders for zero tolerance of prostitution and related crimes in this area; the officer's knowledge of the area as an area of prostitution and related crimes; the officer's nightly observations of the complainants in this area of prostitution and related crimes including prior admonishments and arrests of the complainant's; evidence of prostitution found on the complainant's during the officer's investigations. Furthermore, the officers completed Department required booking cards for each of the co-complainants wherein the officers are required at County Jail, to ask and document of each arrestee if the arrestee is a citizen and if not what is their country of origin. One complainant stated that officers asked her questions regarding her immigration status at the county jail. The officers denied asking anyone about their immigration status but confirmed that at the jail they asked each complainant the required booking card questions. Based on the evidence; there is no indication in any manner that the officer's actions were biased due to the complainant's ethnicity. The evidence proved that the acts alleged did not occur.

SUMMARY OF ALLEGATIONS #15: The officer wrote an inaccurate or incomplete incident report.

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

FINDINGS OF FACT: The officer denied the allegation. The investigation revealed that based on Department policy and procedures including the Department General Orders and Department Bulletins, the officers report was accurate and complete. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #16-18: The officers failed to follow Department General Order 5.20

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

FINDINGS OF FACT: The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #19-21: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The officers denied the allegation. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/25/11 **DATE OF COMPLETION:** 03/20/12 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated the officer told him to move on as he was observing an arrest. The officer admitted to advising the complainant to move on because he stated the complainant was too close and jeopardized officer safety. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/03/11 **DATE OF COMPLETION:** 03/26/12 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 13, 2012.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 13, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/11 **DATE OF COMPLETION:** 03/19/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer, who was on a motorcycle, stopped and cited him as he was driving a taxicab, wrongfully claiming the complainant failed to stop at a stop sign and blocked the path of pedestrians. The named officer stated that the complainant never came to a complete stop and blocked pedestrians who were attempting to cross in the crosswalk. Video footage from the taxi's CCTV cameras indicates that the complainant came to a complete stop for the stop sign, waited several seconds, then moved forward and stopped for another vehicle traveling on the cross street. The angle of the cameras did not capture activity to the side of the vehicle, so it cannot be determined whether the path of any pedestrians were blocked by the complainant. There were no identified witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made inappropriate statements and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant said the named officer, who was on a motorcycle, stopped in the intersection in front of him, blocking his path. The officer yelled that what the complainant was doing was dangerous and that he should be back at the limit line of the crosswalk. The officer did not explain the reason for the stop until after issuing the complainant a citation. The complainant said when he refused to sign the citation, the officer threatened to arrest him, removed and displayed his handcuffs and then opened the driver's side door, reached in and removed the complainant's keys from the ignition. The named officer did not directly address the issues of whether he blocked the complainant's path and yelled at the complainant. The named officer stated that he told the complainant that he would be arrested if he refused to sign the citation. He said he reached in to remove the complainant's keys after the complainant refused to give them to him and asked to be arrested. The named officer said he removed his handcuffs from his belt and displayed them to the complainant. The evidence established that after the complainant refused to sign the citation, the officer was justified in removing his handcuffs since he could have placed the complainant under arrest. There were no identified witnesses who could confirm or refute the complainant's allegations about the officer blocking his path and yelling at him. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 05/09/11 **DATE OF COMPLETION:** 03/19/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: In response to a question posed in his Member Response Form, the named officer denied removing his handcuffs from his belt after the complainant refused to sign a traffic citation during a traffic stop. Video footage shows the named officer removing and displaying his handcuffs during the traffic stop. During his OCC interview, the named officer stated that he did remove his handcuffs during the traffic stop but did not remember why he wrote in his Member Response Form that he did not. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/09/11 **DATE OF COMPLETION:** 03/28/12 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officers used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: The complainant stated the officers applied handcuffs too tightly and treated her roughly. The officer denied the allegation. There were no witnesses or available medical records. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer made comments to her about her behavior, which she found offensive. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 05/09/11 **DATE OF COMPLETION:** 03/28/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer refused to identify himself.

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

FINDINGS OF FACT: The complainant stated the officer did not provide her with his identification upon request. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/11/11 **DATE OF COMPLETION:** 03/15/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said he was brushing his teeth in a restroom by a community center when an officer violently kicked the door open, accused the complainant of trespassing and told him to get out. The only similarly recorded incident found was a CAD record, which described an incident concerning an officer's "on-view" contact with a suspected homeless person on the same date and at about the same location where the complainant said this incident occurred. There was a five-hour time difference in what the complainant reported versus what the CAD record disclosed, and the CAD record did not disclose the name of the person being stopped. Limited information appearing on the CAD record named a specific officer, although the complainant's description of the officer's age, race, hair type and build did not match the officer's age, race, hair type and build as listed in Department records. Furthermore, the officer was questioned and said he did not have any contact with the complainant. Another individual, who was familiar with the complainant, said the complainant was a nuisance to boat owners at a private marina. Several of the boat owners made various complaints against the complainant. The marina is located in the same area where the complainant said this incident occurred. This individual stated the complainant had a boat illegally docked at the marina, and the complainant would frequently bypass a locked gate used to restrict access to the marina's bathroom facility that was specifically designated for the use of the boat owners who were legally moored at the marina. Additionally, the complainant would leave the bathroom filthy after using it. The complainant failed to provide adequate detailed information that would positively identify the officer. Department records did not identify the officer. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said he was brushing his teeth in a restroom by a community center when an officer violently kicked the door open, accused the complainant of trespassing and told him to get out. The complainant was offended by the officer's behavior and asked the officer for his name and badge number. The complainant said the officer refused to provide him with this information. A similarly recorded event was found in a CAD record and the officer was questioned but said he did not have any contact with the complainant. The complainant failed to provide adequate detailed information that would positively identify the officer. Department records did not identify the officer. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/11/11 **DATE OF COMPLETION:** 03/15/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant said he was brushing his teeth in a restroom by a community center when an officer violently kicked the door open, accused the complainant of trespassing and told him to get out. The only similarly recorded incident found was a CAD record, which described an incident concerning an officer's "on-view" contact with a suspected homeless person on the same date and at about the same location where the complainant said this incident occurred. Limited information appearing on the CAD record named a specific officer, although the complainant's description of the officer's age, race, hair type and build did not match the officer's biographical data as listed in Department records. Furthermore, the officer was questioned and said he did not have any contact with the complainant. Another individual, who was familiar with the complainant, said the complainant was a nuisance to boat owners at a private marina. Several of the boat owners made various complaints against the complainant. The marina is located in the same area where the complainant said this incident occurred. This individual stated the complainant had a boat illegally docked at the marina, and the complainant would frequently bypass a locked gate used to restrict access to the marina's bathroom facility that was specifically designated for the use of the boat owners who were legally moored at the marina. Additionally, the complainant would leave the bathroom filthy after using it. The complainant failed to provide adequate detailed information that would positively identify the officer. Department records did not identify the officer. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/13/11 **DATE OF COMPLETION:** 03/07/12 **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 admitted she drove her daughter's double-parked vehicle over double yellow lines in a business district in order to move it. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #2: The officer applied tight handcuffs.

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

FINDINGS OF FACT: The officer denied the allegation and said that her partner handcuffed the complainant with the proper degree of tightness and double locked the handcuffs. Two independent witnesses gave conflicting statements as to who handcuffed the complainant, and how appropriately the handcuffs were applied. Another independent witness present at the scene could neither prove nor disprove the allegation. One other witness on scene did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer conducted a search of the complainant incident to her arrest after the complainant repeatedly refused to identify herself or provide identification upon a lawful request from a traffic officer. Under department regulations a motorist under such circumstances is subject to arrest and transport to a police station until his/her identity can be established or be subject to transportation to County Jail for booking. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #4: The officer used profane language.

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

FINDINGS OF FACT: The officer and two dependent witnesses present at the scene denied the allegation. One other witness on scene disproved the allegation; whereas, another did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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OCC Added Allegation:

SUMMARY OF ALLEGATION #1: The officer failed to make the required traffic stop data entry.

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

FINDINGS OF FACT: The officer stated and the evidence demonstrates that his partner inadvertently wrote down “39” instead of “52” for the age of the motorist being cited within the E585 mask. While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct. The evidence further established that the officers’ unit completed the required traffic stop data entry.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/17/11 **DATE OF COMPLETION:** 03/27/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer arrested him for not paying his MUNI fare. The complainant admitted to boarding the MUNI bus line without paying because he did not have the proper change. The complainant further admitted that he attempted to bypass the officer to pay the MUNI fare after the officer attempted to verify that the fare was paid. The officer stated he placed the complainant under arrest for fare evasion and resisting arrest. The MUNI video surveillance showed the complainant attempting to bypass the officer after the officer boarded the MUNI bus line to do his fare inspection. In the audio content of the MUNI video, the officer is heard advising the complainant to stop resisting his attempts to place him under arrest. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer used excessive force on him during his arrest by kneeling him in the leg and in his side. The complainant further stated that it took four to five officers to restrain him. During his OCC interview, the officer stated that he used three knee strikes to the complainant because the complainant was resisting him. The MUNI video surveillance of the incident show the officer kneeed the complainant approximately three times as the complainant is resisting the officer's efforts to take him into custody. On the video, the officer can also be heard yelling to the complainant to stop resisting, before the officer applied the knee strikes. The video also shows the officer take the complainant to the ground, handcuff him, help him up, and escort him off the bus. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 06/01/11 **DATE OF COMPLETION:** 03/20/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged two officers inappropriately conducted a visual search of the interior of his passenger compartment with flashlights while standing outside his vehicle. There is no rule or case law prohibiting such action. The officers' actions were lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer harassed him during a citation process for double-parking on a one-lane street and for refusing to disclose his friend's whereabouts. The complainant said the officer has used his friend's probation status to search his vehicle on prior contacts. The officer denied the allegation and stated he tried to distract the complainant with small talk about his friend once he became very upset in order to complete the citation. There is insufficient evidence to either prove or disprove the officer's intentions or the allegation.

**OFFICE OF CITIZEN COMPLAINTS
OMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/02/11 **DATE OF COMPLETION:** 03/29/12 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer issued the complainant a citation without justification.

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

FINDINGS OF FACT: The officer denied the allegation and said he observed the complainant drive over a bicycle-designated lane over 200 feet from the intersection in violation of Section 22109(a) of the California Vehicle Code. There were no known witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The officer denied the allegation. There were no known witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/02/11 **DATE OF COMPLETION:** 03/29/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer detained the complainant for a prolonged period of time without justification.

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

FINDINGS OF FACT: The officer denied the allegation and said he detained the complainant for approximately five minutes. During the additional thirteen minutes reflected in CAD, the complainant was looking on her own for her insurance documentation. There were no known witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to make the required traffic stop data entry.

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer failed to complete the required traffic stop data entry in violation of San Francisco Police Department Bulletin 10-335.

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DATE OF COMPLAINT: 06/07/11 **DATE OF COMPLETION:** 03/30/12 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer improperly used OC spray on her 9 year old son. The complainant's son is mentally disabled and attends a special school. The day of the incident, the child ran off campus in a highly agitated state. He procured a large brick and shattered portions of it into sharp shards. School staff shadowed the child. A police officer arrived on scene, a sidewalk opposite a locked schoolyard fence. The officer repeatedly tried to verbally persuade the child to drop the shards and return to campus. The child refused. He threw shards at school staff and the officer. Shards struck the officer, as well as the school staff member who unlocked the fence for the officer. As the officer spoke to the child, the officer showed the child a can of OC spray, shook it up and warned the child of its imminent use, if the child did not stop. The child made a spontaneous expression indicating he recognized "mace," what the officer held. As the child threw another, larger shard at the officer, the officer deployed the OC spray. The shard missed, as did the OC spray. The child ran into the street, and was nearly hit by an oncoming car. He was detained for his safety.

The witness accounts did not significantly vary. The OCC found the school had asked for assistance from the SFPD by calling 911. The officer denied the allegation, explaining that police response had included verbal persuasion, and it had failed. After being struck by projectiles and being threatened by additional projectiles, the officer determined the child was a danger to himself and/or others and was not obligated to remain in physical jeopardy. The officer deployed OC spray, but witnesses stated the OC spray did not reach the child. The officer reported the use of OC spray to the appropriate supervisor, and its use was logged in the station's use of force log. The evidence proved that the acts, which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #2: The officer failed to comply with Department General Order 7.01.

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

FINDINGS OF FACT: The complainant's son ran away from school. The complainant alleged that she was not notified by the involved officer. A witness employed by the school stated she telephoned the complainant to notify her of the incident. She stated the complainant wanted to speak to the officer about the matter. The witness handed the phone to the officer, who spoke to the complainant regarding the incident. The officer also informed the complainant regarding what happened when she arrived at school. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant's son ran away from school. He was detained and officers determined that he should be detained for a W & I §5150 evaluation at a local hospital. The complainant complained how transporting officers were holding her son's arms as they walked him to a patrol car. The complainant alleged that as the officer prepared to transport her son, he told her she was "lucky" for "all the stuff" her son had allegedly done. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer was asked to transport a 9-year-old boy to a local hospital detained for a W & I §5150 evaluation. The officer was a veteran officer charged with supervising a re-entering officer who had not been on patrol duty for over four years, The officer failed to oversee the broadcast of the destination, along with the beginning and ending mileage for the transport of the juvenile, in violation of Department General Order 7.01. The officer denied the allegation. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The officer was asked to transport a 9-year-old child to a local hospital detained for a W & I §5150 evaluation. The officer had worked behind a desk for several years and had only re-entered patrol for two weeks under the supervision of a Field Training Officer with lengthy seniority. While the officer failed to ensure the broadcast of the destination, along with the beginning and ending mileage for the transport of the juvenile, in violation of Department General Order 7.01, it was determined that his supervising Field Training Officer was responsible for the violation.

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DATE OF COMPLAINT: 06/09/11 **DATE OF COMPLETION:** 03/05/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to take a required action and prepare a stolen vehicle report.

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

FINDINGS OF FACT: The complainants stated that their vehicle was stolen but that the officers refused to prepare an incident report listing their vehicle as a stolen vehicle. The officers both stated that they inspected the complainant's vehicle and found no evidence that the car had been stolen as the vehicle doors, windows and ignition were intact. Also, the vehicle had not been reported as stolen by the complainants until after they learned their vehicle had been towed. The complainant's vehicle was initially towed because it was parked in the middle of the street during the morning commute approximately 2-1/2 blocks from the complainant's residence and was towed as an immediate hazard. There are no independent witnesses to determine whether this vehicle was stolen. An incident report was prepared and written by another officer listing the incident as a suspicious occurrence and documenting the complainants and the inspecting officers' statements. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainants stated the officer used profanity. The officer denied the allegation. There were no independent witnesses to their contact. There is insufficient information to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/09/11 **DATE OF COMPLETION:** 03/28/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer used unnecessary force. The complainant stated that when the officer attempted to make him sit down, he resisted being placed in a seated position. The named officer denied using unnecessary force on the complainant. He stated that at one point, he and several officers who responded as backup grabbed the complainant's arms and lowered him into a seated position on some steps. Witness officers who responded as backup stated that they used passive control holds to prevent the complainant, who was seated on some steps, from standing up and kicking. A civilian witness who summoned police following his encounter with the complainant stated that he left the scene before the complainant was handcuffed. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer handcuffed him without justification. The named officer stated that when he responded to a possible fight, a civilian reported that the complainant had verbally harassed him in an intimidating manner and challenged him to fight after he refused to give the complainant money. The officer knew the complainant from prior contacts and knew that civilians in the area had frequently complained about him verbally attacking individuals who refused to give him money. The named officer also knew that the complainant was on probation and had a history of narcotics use. The named officer stated that he approached the complainant, who acted in an aggressive and irrational manner, screaming at him not to come any closer and refusing repeated commands to sit down. The named officer stated that he handcuffed the complainant because of his irrational and aggressive behavior and because of his known history of hostile behavior and narcotics use. The man who called police stated that the complainant became angered when he refused to give him money, followed him across the street and circled him in an aggressive manner. This witness stated that he saw the officer approach the complainant and heard the complainant being belligerent but did not hear any raised voices. This witness left the scene before the complainant was handcuffed. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 06/09/11 **DATE OF COMPLETION:** 03/28/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer wrongfully arrested him and had him transported to the hospital for a mental health evaluation. The named officer stated that he detained the complainant for a mental health evaluation because he believed the complainant posed a danger to others. He stated that the complainant was acting in an aggressive and irrational manner and had aggressively verbally harassed an individual who refused to give him money, causing that individual to call the police. A witness officer who responded as backup described the complainant as screaming and being aggressive, combative and possibly in an altered mental state. Another witness officer stated that he saw the named officer and the complainant arguing with one another when he arrived. A third witness officer described the complainant as screaming loudly. The man who called police stated that the complainant became angered when he refused to give him money, followed him across the street and circled him in an aggressive manner. The complainant's medical records indicate that a mental health evaluation was done and he was deemed not to pose a danger to others and was released. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer has harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer has harassed him. The named officer denied the allegation. The officer stated that he knew the complainant from prior contacts and knew that civilians in the area had frequently complained about the complainant verbally attacking individuals who refused to give him money as he was panhandling. The named officer said he had several previous contacts with the complainant but had never arrested him. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 06/09/11 **DATE OF COMPLETION:** 03/26/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the officer stopped him for not wearing his seatbelt while operating a motor vehicle, and scolded the complainant for stopping the vehicle in the middle of the street. The complainant admitted not having his seatbelt on at the time and said he ultimately pulled his car to the side of the road. He said after the officer ran the complainant's driver's license information in the department's computer database, the officer returned to the complainant's car and informed him that he had an outstanding arrest warrant. The complainant denied having the outstanding warrant, exchanged words with the officer and said the officer threatened him with arrest. The officer acknowledged stopping the complainant for the seatbelt violation and said he advised the complainant that he stopped his vehicle in an unsafe location. The officer also informed the complainant about the safety reasons of pulling his vehicle over to the right side of the road. The officer informed the complainant about the outstanding warrant, but the officer could not confirm the warrant with the District Attorney's Office due to it being closed at that time. He therefore did not arrest the complainant. He advised the complainant how to take care of the matter in order to avoid any possible future problems in being stopped. The evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer issued a traffic citation to the complainant. Although the officer input some of the complainant's biographical information incorrectly into the department's E585 computer database, the evidence supported the officer's assertion that the officer made the computer entry as required. The evidence proved that the acts, which provided the basis for the allegation occurred, however, the officer's administrative errors do not rise to the level of sustainable misconduct.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/09/11 **DATE OF COMPLETION:** 03/05/12 **PAGE #1** of 1

SUMMARY OF ALLEGATIONS #1: The officers 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 for elder/dependent abuse. The complainant stated that nothing physical occurred between himself and his mother. The officer stated that he investigated the incident and based on the information he gathered, believed that a crime had been committed and arrested the complainant for that crime. Witness officers either were not involved or did not fully remember the contact. An independent witness stated that he did not observe any physical altercation between the complainant and his mother, and that the complainant was reasonable while his mother was not. However, the witness admitted that he did not observe the entire contact between the complainant and his mother as the complainant was not fully in his eyesight the entire time the witness was at the residence. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer did not conduct a proper investigation.

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

FINDINGS OF FACT: The complainant stated the officer arrested him without fully investigating the incident and that the officer did not speak to him about what had occurred. The officer stated that he spoke to all parties present on scene including the complainant, the alleged victim, an independent witness and that he contacted by phone another family member who stated that the complainant had caused problems for the mother in the past, was verbally abusive and should be arrested. The family member also told the officer that the mother's report was most likely accurate. Other officers did not fully recall the incident. An independent witness said an officer spoke to him and he thought that officers spoke to the complainant but he could not hear what was said. The witness also said that he did not observe the entire contact. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 06/08/11 **DATE OF COMPLETION:** 03/05/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officers responded to a dispatched call concerning the alarming and disruptive behavior of a naked, mentally disturbed person in a residential building. When the officers arrived at the complainant's room, they found the door to the complainant's apartment open. Officers reported seeing the naked complainant screaming and flailing her arms while seated in a chair. The officers also reported seeing scissors, knives and forks, which the officer believed were weapons the complainant could use against them, within arms reach of the complainant. The officers subdued and handcuffed the complainant. The officers released the complainant to the custody of paramedics, who transported the complainant to San Francisco General Hospital. The officers did not report searching the room, seizing any evidence or arresting 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 ALLEGATIONS #5 - 8: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged the officers had no reason to detain her. The Department of Emergency Management received a 911 emergency telephone call for police assistance in responding to the actions of a naked, mentally disturbed person, whose alarming and disruptive behavior at a residential building was of concern to the building's management and other residents who lived there. When the officers arrived at the complainant's apartment, they found the naked complainant sitting in a chair while screaming and flailing her arms. The officers also reported seeing scissors, knives and forks, which the officer believed were weapons the complainant could use against them, within arms reach of the complainant. The officers subdued and handcuffed the complainant. The officers released the complainant to the custody of paramedics, who transported the complainant to San Francisco General Hospital. An independent witness provided examples of the complainant's bizarre behavior and stated the complainant was also a heavy user of methamphetamine. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #9 - 12: The officers used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant alleged the officers used unnecessary force in detaining her, but the officers denied using any unnecessary force. The officers described the complainant as acting uncontrollably in an altered mental state. They indicated the complainant violently resisted their efforts in controlling her behavior, and described holding the complainant's legs in order to prevent her from kicking the officers. An independent witness said the complainant, in addition to being mentally ill, was a frequent methamphetamine user and described some past incidents involving the complainant's bizarre behavior. On the date of the subject incident, paramedics also responded. Because of the complainant's behavior, the paramedics placed the complainant in a four-point medical restraint and transported her to the hospital. 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 #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/20/11 **DATE OF COMPLETION:** 03/23/12 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer took her jewelry from her while she was in custody at the district station and that the jewelry was not among her possessions when she was released from San Francisco General Hospital, Psychiatric Emergency Services (PES). The officer stated that he removed several bracelets, rings and a necklace from the complainant while she was in the district station's holding cell and put the jewelry inside the complainant's purse. He reported that he informed the complainant that her jewelry was inside her purse, and then he gave the complainant's purse to the transporting officers. The officer stated he was not obligated to complete and provide the complainant a property receipt because she was not booked at the district station. Instead, the complainant was detained pursuant to Welfare and Institutions Code section 5150 and subsequently transported from the district station to San Francisco General Hospital. The OCC recommends that the Department institute a procedure to safeguard the personal property of individuals taken into custody pursuant to Welfare and Institutions Code section 5150. This procedure should include listing all money, valuables and other property that an officer has removed from the detainee's possession, requiring the detainee to review and sign the property receipt list, providing the detainee and the receiving institution (i.e. PES) a copy of the property receipt, and recording any other information to provide a complete chain of custody.

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DATE OF COMPLAINT: 06/22/11 **DATE OF COMPLETION:** 03/28/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer improperly stopped the driver of the vehicle. The officer denied the allegation and stated that the vehicle did not stop at several stop signs and was driving in a dangerous manner. The complainant stated uniformed officers came to the scene after the driver pulled over for the initiating officer. The officer called two uniformed officers to the scene after initiating the traffic stop. The uniformed officers did not see the initial traffic stop. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated he was a passenger in a vehicle with two other people. He alleged an officer in an unmarked unit initiated a traffic stop. During the course of the traffic stop, the complainant stated the officer used profanity numerous times. The officer denied the allegation. The complainant stated uniformed officers came to the scene after the driver pulled over for the initiating officer. The officer called two uniformed officers to the scene after initiating the traffic stop. The uniformed officers did not see the initial traffic stop. No witnesses came forward despite OCC attempts to interview them. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 06/22/11 **DATE OF COMPLETION:** 03/28/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer engaged in threatening behavior.

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

FINDINGS OF FACT: The complainant stated an officer in plain clothes, driving an unmarked car initiated a traffic stop of the car he rode in as a passenger. The complainant stated the officer activated his red lights and high beams, and then pulled alongside the car, nearly running them off the road. The complainant stated the officer repeatedly shouted and cursed and was so belligerent during the course of the stop, he thought the officer was intoxicated. The officer denied the allegation. He stated he yelled for the driver to stop because the driver had “flown” through several stop signs. He denied boxing in the driver or running him off the road. The complainant stated uniformed officers came to the scene after the driver pulled over for the initiating officer. The officer called two uniformed officers to the scene after initiating the traffic stop. The uniformed officers did not see the initial traffic stop. No witnesses came forward despite OCC attempts to interview them. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer failed to properly operate a motor vehicle.

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

FINDINGS OF FACT: The complainant stated the officer engaged in negligent driving. He alleged the officer’s driving was so erratic, that the officer nearly ran the driver of the car off the road. The complainant believed the officer may have driven while intoxicated. The complainant stated uniformed officers came to the scene after the driver pulled over for the initiating officer. The officer called two uniformed officers to the scene after initiating the traffic stop. The uniformed officers did not see the initial traffic stop. The uniformed officers denied observing any objective symptoms of intoxication on the initiating officer. No other witnesses came forward despite OCC attempts to interview them. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 06/30/11 **DATE OF COMPLETION:** 03/19/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer arrested him without cause. The officer stated that he arrested the complainant after the victim of a theft identified the complainant as the man who had stolen his cell phone. The victim of the theft confirmed that he identified the complainant as the man who stole his property. 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 engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officer arrested him and transported him to the police station in the back of a patrol car. When they arrived there, the officer claimed that a handgun on the floor of the car belonged to the complainant. The complainant denied possessing a handgun and stated that the named officer searched him thoroughly at the scene before placing him inside the patrol car, and that another officer at the scene also searched him. The named officer stated that he pat-searched the complainant at the scene but did not do an extensive search of his genitalia or buttocks. The named officer denied falsely claiming that he found a handgun in the back seat of his patrol car after transporting the complainant. Two witness officers who were at the scene denied searching the complainant and stated that they did not see the named officer search the complainant. These two officers stated that they saw a handgun on the floor in the back seat of the named officer's patrol car after he transported the complainant to the station. A civilian witness stated that he saw the named officer do a quick search of the complainant from the waist down at the scene of the arrest, but looked away several times and did not observe the entire search. A forensic examination conducted by the Department indicated that the complainant's DNA was not on the handgun. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 07/05/11 **DATE OF COMPLETION:** 03/23/12 **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 said the officer should not have detained him. The complainant said he did nothing wrong. The officer responded to a dispatched call regarding auto boost suspects in the area. The officer stated he detained the complainant in order for the victim to identify the suspect. Another officer completed a Citizen's Arrest form against the complainant. There were no witnesses to the incident. 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 behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officer's tone toward him was accusatory and antagonistic. The complainant further said the officer yelled at him during the contact. The officer denied the allegation. The officer said the complainant was not cooperative and refused verbal orders. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 07/05/11 **DATE OF COMPLETION:** 03/23/12 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #3-5: The officers used force during a detention.

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

FINDINGS OF FACT: The complainant stated the officers grabbed and pushed him to the ground. The complainant said he did not resist and was cooperative with the officers. The officers denied the allegation. The officers said the complainant was not cooperative and refused verbal orders to take his hands out of his pockets and to show his identification. The officers further stated the complainant continued to pull away and struggle. The officers stated they grabbed the complainant's hands due to officers' safety and for possible weapons. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer handcuffed the complainant.

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

FINDINGS OF FACT: The complainant said the officer should not have handcuffed him. The officer said he handcuffed the complainant due to officer safety, because the complainant was not cooperative, refused verbal orders, and attempted to pull away. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #7: 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 targeted him, because of his ethnicity. The officer denied the allegation. The officer responded to a broadcast about an auto boost suspect sighted in the area. The victim completed a cold show and it was determined the complainant was not one of the suspects. Another officer completed a Citizen's Arrest form against the complainant. The officer was interviewed relative to the OCC's biased policing protocol. There were no other witnesses besides the victim. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/07/11 **DATE OF COMPLETION:** 03/26/12 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer entered and searched the complainant's room without cause.

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

FINDINGS OF FACT: The complainant stated that the officer entered and searched the complainant's room without cause. The evidence established that the officer entered and searched the room pursuant to a search warrant, which the officer obtained because he had reasonable suspicions to believe the complainant was selling controlled substances. 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 intentionally damaged property.

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

FINDINGS OF FACT: The complainant stated that the officer damaged his door while entering his room. The named officer said he made knock and notice while serving a search warrant at the complainant's room, and forced open the door after receiving no response and after attempting, without success to obtain a pass key. The complainant admitted he was not home and that his door was locked when the officers entered his room. The evidence established that the officer entered the room pursuant to a search warrant. The evidence also established that the named officer ensured that proper documentation was made of the damage done to the complainant's door in accordance with Department regulations. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 07/07/11 **DATE OF COMPLETION:** 03/26/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to provide the complainant with a copy of a search warrant.

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

FINDINGS OF FACT: The complainant said the officer failed to provide him with a copy of the search warrant after searching his room. The complainant acknowledged that the officer gave him a Return to Search Warrant listing the items taken during the search. Neither Department regulations nor relevant laws required the officer to provide additional documentation other than the Return to Search Warrant. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/01/11 **DATE OF COMPLETION:** 03/23/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: A third party filed the complaint. The complainant stated she saw police hit a man and throw him to the ground. This person apparently had a seizure and an unknown female begged officers to allow her to help the person. An officer grabbed this woman by her face and threw her on her back. The officer described his participation in a buy/bust operation, and said he assisted in the arrests after the illegal drug deal had concluded. The officer escorted one of the suspects to a waiting police vehicle and told the suspect, who was already handcuffed, to get inside. The suspect refused, flexed his body and stood erect. The suspect yelled police brutality and other epithets to a crowd of people who had gathered. The officer warned the suspect that the officer would have to use force if the suspect did not comply. The suspect continued his refusal and the officer administered three separate knee strikes to the suspect's thigh. The suspect was unaffected by the first two strikes from the officer, but fell to the ground after the third strike and had a seizure. The officer attempted to prevent the suspect from injuring himself by rolling him onto his side, and the officer requested an ambulance. The officer denied striking anyone in the face with his hand(s). An independent witness observed the suspect refuse to comply with the officer's commands and, although she said she could not clearly see the contact, it appeared the officer slammed his boot into the suspect's shin twice. The witness did not see the officer strike any person with the palm of his hand. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to provide medical assistance.

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

FINDINGS OF FACT: Based on a complaint by a third party, it appeared that medical assistance was never provided to a suspect who was having a seizure after officers hit the suspect and threw him to the ground. The officer admitted using force on the arrested suspect, whom the officer described as being non-compliant. The suspect had a seizure and the officer requested an ambulance. The SFPD records relating to this incident indicate that medical assistance arrived at the scene, rendered treatment and transported the suspect to the hospital. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 07/19/11 **DATE OF COMPLETION:** 03/20/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that following a traffic stop, the officer completed a Department of Motor Vehicles form mandating that the complainant be re-tested. The complainant said the officer made false statements on this form, claiming the complainant said she had not committed a violation and that she saw no reason to pull over for an emergency vehicle. The complainant admitted to the OCC that she did not pull over for four blocks after the officer activated the siren because she was concerned about stopping in a school zone. A witness officer who responded as backup said he observed the named officer writing a citation but did not observe him having any conversation with the complainant and had no interaction with the complainant himself. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer delivered a Department of Motor Vehicles Notice of Priority Re-Examination of Driver form to her home, left but left the form, which was not in an envelope, in her entryway, despite the fact that there is a mail slot accessible from the street. The named officer stated that he hand-delivered the form to the complainant's address but was unable to make contact with any of the occupants and stated that there was no mailbox within reach. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 07/21/11 **DATE OF COMPLETION:** 03/08/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant described an incident in which she was arrested for buying illegal drugs. The complainant denied buying or selling any illegal drugs. The officers described participating in a narcotics operation. Two of the officers were clandestinely doing surveillance in a neighborhood commonly known to have rampant illegal drug activity. The officers observed the complainant and another person briefly and casually meet near an intersection. The officers saw the complainant and another person make a hand-to-hand exchange of money for an off-white substance, which the officer believed was an illegal drug. The officer described the suspects and details of the suspected drug transaction to other uniformed officers who were posted on the street as the arrest team. The arresting officers stopped and detained the complainant. The officers stated the complainant placed her hands in her pockets as the officers approached her. The complainant initially refused to take her hands out of her pockets when the officers commanded her to. The officers stopped her, but the complainant accidentally tripped and fell on a raised part of the sidewalk. One of the officers helped her up and found suspected rock cocaine in the place where the complainant was seated on the ground before she stood up. The substance later tested positive for cocaine. The officers arrested her for an illegal drug violation. There are no independent witnesses to this arrest. Therefore there is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officers pat-searched the outer pockets of her clothing after they wrongfully arrested her for an illegal drug violation. The officers acknowledged stopping, detaining and arresting the complainant after another officer, who was watching a suspected illegal drug deal unfold, identified the complainant as one of the suspects. The officers said they pat-searched the complainant for weapons and illegal drugs incident to her arrest. There are no independent witnesses to this contact. There is insufficient evidence to either prove or disprove that the arrest and subsequent pat-search were lawful.

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATIONS #5: The officers failed to take the required action.

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

FINDINGS OF FACT: The investigation showed that the officer followed required Department procedures and policies when he wrote the incident report. The officer's actions were proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/26/11 **DATE OF COMPLETION:** 03/14/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said the officer screamed at her and told her she was able to walk on her own. The officer checked with the medical and security staff at the hospital and was told by them the complainant was medically and psychologically cleared and was able to walk on her own. The officer stated the hospital staff and security called the officers to escort the complainant off of their private property, because the complainant was uncooperative and refused to leave after being officially discharged. The officer denied yelling at the complainant. The witnesses corroborated most of the officer's version to the incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said the officer grabbed, dragged, and forced her to walk. The complainant alleged the officer injured her arm and leg. The officer stated he grabbed and moved the complainant out of the way of an approaching ambulance vehicle. The officer said he did not see any visible injuries nor heard any complaints of injuries from the complainant. The hospital medical staff and records reveal the complainant was discharged from the emergency room in stable condition and the officer tapped the complainant on the shoulder to ask her to move from the ambulance bay area. The witnesses stated the officer did not use any force on the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 07/26/11 **DATE OF COMPLETION:** 03/14/12 **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 said an officer told her to leave the area. The officer stated the complainant refused to leave the area. The officer told the complainant she could not return to the property because she was trespassing. The officer explained to the complainant she could stay on the public sidewalk away from the hospital. The hospital's staff said the complainant was officially discharged and requested to leave the hospital property, but she was uncooperative and refused. 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:

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DATE OF COMPLAINT: 07/27/11 **DATE OF COMPLETION:** 03/27/12 **PAGE #** 1 of 1

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

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

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

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force by applying handcuffs too tightly.

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

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

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

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

FINDINGS OF FACT: The named and two witness officers denied the allegation. No 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:

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DATE OF COMPLAINT: 08/09/11 **DATE OF COMPLETION:** 03/05/12 **PAGE #1** of 3

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

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

FINDINGS OF FACT: The complainant stated the officer detained her for a mental health detention without justification. A witness stated that the complainant woke up the neighborhood early one morning as the complainant stood outside her residence yelling unintelligible words, dumping property onto the sidewalk, and at one point stepping off the curb in front of a Muni bus forcing the bus to come to an abrupt halt to avoid striking the complainant. The witness stated that due to the complainant's erratic behavior she was concerned for the complainant's well being and called the police. The officer stated that the complainant was acting irrationally and corroborated that things had been dumped outside the residence. The complainant's erratic behavior caused the officer to determine that the woman was unable to care for herself and therefore she detained the complainant for a 5150 mental health evaluation. A witness officer also corroborated the named officers statement. A CAD audio was reviewed by OCC and at one point the complainant can be heard yelling in the background. The evidence proved that the conduct alleged did occur, however, the conduct was proper and lawful.

SUMMARY OF ALLEGATIONS #2-3: The officers' comments and/or behavior were inappropriate.

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 this allegation. There were no independent witnesses to this incident who observed the entire contact. One witness stated that the female officer was very polite during the contact, however the witness stated she did not observe the entire contact. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 08/09/11 **DATE OF COMPLETION:** 03/05/12 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force during the detention. The named officer and a witness officer denied the allegation. There are no independent witnesses who observed the entire incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #5: The officer placed tight handcuffs on the complainant and did not loosen them when requested.

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

FINDINGS OF FACT: The officer denied the allegation and stated that the handcuff tightness was checked and conformed to department standards and training and that the complainant did not complain about tight handcuffs or request that they be loosened. There were no independent witnesses to this part of the incident. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/09/11 **DATE OF COMPLETION:** 03/05/12 **PAGE #3 of 3**

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

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

FINDINGS OF FACT: During the OCC investigation, the OCC determined that the ending mileage for the transport of a female was not documented in either the written or audio CAD reported by DEM pursuant to Department policy. The officer was interviewed and stated that he made the ending mileage entry. A review of the written and audio CAD records show that during the transport and at the approximate time the officer would have concluded his transport and made the appropriate ending mileage entry, the officer's CAD entries appear to have been stepped upon by another unit and that may be the reason no entry could be found. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

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SUMMARY OF ALLEGATIONS 1-2: The officers made inappropriate comments or behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainants complained about the officers comments and behavior. The officers denied making any inappropriate comments or behaving in an inappropriate manner. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION 3: The officer drove in an improper manner.

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

FINDINGS OF FACT: The complainants said the officer drove in a reckless manner. The named member denied the allegation. The witness officer denied the allegation. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #1-2: The officers behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officers laughed at him and did not tell him why he was being arrested. The officers denied the allegations. The witnesses did not hear the exact dialog between the complainant and the officers. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated that he told the officers that he had been assaulted outside the bar where he had been drinking and that he wanted the suspect arrested. The officers stated that the complainant was arrested for public intoxication. Witnesses at the bar said that the complainant was asked to leave the bar because of his behavior, describing the complainant's behavior as being on "Meth." The officers stated that the witnesses they interviewed denied that the complainant had been assaulted. Pursuant to Department General Order 5.04, the officers prepared an incident report. Additionally, the officers prepared a Public Intoxication Report and a Certificate of Release. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #5-6: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officers threw him to the ground. The officers and witnesses denied the allegation. The evidence proved that the act alleged in the complaint did not occur, or that the named members were not involved in the acts alleged.

SUMMARY OF ALLEGATIONS #7-8: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The officers arrested the complainant for being drunk in public. The complainant admitted that he had been drinking. Witnesses confirmed that the complainant was intoxicated. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant acknowledged driving faster than the speed limit. The named officer denied the allegation, stating that he had paced the driver at that speed and that he had referred to his speedometer. 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 behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant and one witness said the officer was loud, rude and aggressive. The officer denied the allegation, stating that he was only loud enough to be heard over traffic. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that while his brother was in an altercation with some bouncers, he dropped and lost his cell phone. The complainant told the officers he wanted to make a report of “stolen property.” Both officers stated that no one asked to make a report of stolen property. One officer advised the complainant’s brother that he could make a civil complaint against the club. They stated that the cell phone was later found in the pants pocket of the complainant’s brother. The officers did not have a duty to make a report of property that was not stolen. No crime had occurred. Their conduct was proper.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to provide identification upon request.

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

FINDINGS OF FACT: The complainant stated he asked both officers for identification and it was not provided. One officer stated he was not asked for identification. The second officer stated the complainant’s brother asked for identification and it was provided. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-6: The officers arrested the complainant's brother without cause.

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

FINDINGS OF FACT: The complainant's brother was arrested for public intoxication and assaulting an officer. Security employees at a nightclub called the police when the complainant's brother refused to leave when asked to do so. The complainant stated his brother had been drinking the entire evening. A witness stated the complainant's brother was intoxicated. The officer's conduct was proper.

SUMMARY OF ALLEGATIONS #7-8: The officers used unnecessary force during the arrest of the complainant's brother.

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

FINDINGS OF FACT: The complainant's brother was arrested for public intoxication and assaulting a police officer. He did not respond to contact attempts. The complainant stated one officer grabbed his brother by his hair and tried to pull him to the ground. When his brother was on his hands and knees, the officers pulled him by his hair and legs to make him lay on the ground. A witness stated that the complainant's brother said to the officers, "We're not scared of you!" and "chest bumped" him. The witness stated the first officer grabbed the complainant's brother by the hair and attempted to pull him to the ground. A second officer grabbed the complainant's brother's legs and tried to pull them out from under him. The complainant's brother was on his hand and knees but would not comply with orders to the ground. The officers then "muscled" the man to the ground. The first officer stated the complainant's brother was intoxicated and refused to comply with police orders. The complainant's brother bumped his chest against the officer and grabbed both of the officers' arms. The officer attempted to push the complainant's brother away and then grabbed him by his hair. The officer's partner grabbed the complainant's brother from behind and he was taken to the ground. The second officer stated he saw the complainant's brother grab his partner's arm and was swinging at the officer with his free arm. The officer grabbed the swinging arm. While trying to control the complainant's brother's arms, they tripped over each other and fell to the ground. Both officers stated the complainant's brother had no visible injuries, did not complain of pain and did not ask for medical attention. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was arrested pursuant to a valid citizen's arrest for trespassing. The officer's conduct was proper.

SUMMARY OF ALLEGATIONS #2-3: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant alleged unidentified officers rubbed his face on the ground and "hyper-extended" his finger. He stated he held his hands underneath his body when officers were trying to handcuff him. The arresting officer stated he asked the complainant to place his hands behind his back but the complainant refused to comply. The complainant took a step back into a fighting stance. The officer grabbed the complainant's shoulders and took him to the ground. The complainant held his hands underneath his body and refused to show them to the officer. The officer placed his knee on the complainant's back and held him there until backup officers arrived. The backup officer stated that when he arrived at the scene, the complainant was on the ground and not handcuffed. He stated the complainant was "belligerent, incoherent and aggressive." This officer utilized a bent wristlock to handcuff the complainant. He stated he and the arresting officer used their body weight on the complainant to maintain control while placing him in handcuffs. He stated no officer forced the complainant's face to the ground and no one hyper-extended the complainant's finger. The transporting officer stated he did not see any officers use physical control or force on the complainant. He described the handcuffed complainant "was extremely hostile, verbally abusive and highly aggressive. He was screaming vitriolic profane racial slurs." This officer stated he utilized a two-hand bent wrist control hold to escort the complainant to the patrol car. He stated he did not hyper-extend the complainant's finger. The complainant resisted arrest by holding his hands underneath his body while he was on the ground. He was taken to the ground and incurred a small abrasion on his cheek, which the SFPD photographed. An entry was made in the use of force log. The complainant was provided medical attention upon request. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer damaged the complainant's property.

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

FINDINGS OF FACT: The complainant alleged an unidentified officer broke his "prayer beads," headphones and his Blackberry and threw his marijuana in the trash. Two officers who responded to the scene stated they did not see any of these items at the scene. The arresting officer stated he found a very small glass vial of marijuana in the complainant's pocket and returned it to the complainant's pocket. He stated he did not see any prayer beads, headphones or a Blackberry. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the arresting officer, the entire San Francisco Police Department, the City of San Francisco, the Apple Store and many other businesses are racist. He stated that the arresting officer was "a cracker." The officer and backup officers were interviewed pursuant to the OCC's biased policing protocol and stated the complainant was arrested pursuant to a valid citizen's arrest and the complainant's race and religion had no bearing on the arrest. The officer properly arrested the complainant pursuant to a valid citizen's arrest. The complainant's allegation is not based on facts in evidence.

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

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

FINDINGS OF FACT: The complainant stated he was not speeding and had not violated any traffic laws . The officer denied the allegation. The officer was traveling southbound on Stanyan Streets from Waller and attempted to turn into the driveway of the police station building. He observed the complainant's vehicle stopped, partially blocking the No. 2 lane of traffic and entirely blocking the driveway to the police station. The complainant's vehicle had no lights or hazard lights illuminated. The officer observed a person in the vehicle "hunched over" in the driver's seat. The officer honked his horn with no response, notified dispatch of a suspicious vehicle, activated his emergency light and approached the complainant's vehicle. The officer made contact with the complainant, advised him that he was parked illegally, then requested his driver's license and car insurance. The officer checked the complainant's documents through dispatch, advised the complainant of the violations and hazards to himself and others and released the complainant without issuing a citation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was the victim of racial profiling. The officer was questioned relative to the OCC's biased policing protocol and denied the allegation. The officer stated he was unaware of the ethnicity of the complainant prior to approaching the complainant. The officer stated the complainant's vehicle was illegally parked and blocked the driveway to his police station building. The officer stated the complainant's ethnicity had no bearing on the reason for approaching the complainant, but to follow up on a suspicious vehicle illegally parked in the nighttime hour. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The named officer denied the allegation. No 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:

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. The named officer denied wrongdoing. No 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:

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

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

FINDINGS OF FACT: The complainant stated she pulled over to talk to a friend and did not properly park her car or put money in the meter. The officer stated the complainant was blocking a lane of traffic while talking to a pedestrian and refused to move her vehicle when asked to do so. The officer's partner stated the complainant's vehicle was illegally parked and she disregarded the officer's request to move her car. The officer issued the complainant a citation for parking more than 18" from the curb and blocking a lane of traffic. The complainant was properly cited for improper parking. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant stated the officer told her friend, "Go get a job." The officer and his partner denied the allegation. The complainant's friend failed to respond to contact attempts. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-4: The officers made inappropriate comments/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant was involved in a tenancy dispute with the master tenant in his residence. Officers were summoned to perform a civil standby at the residence. When the tenant knocked on the door, seeking admission to the residence, the complainant did not open the door. He had installed an interior lock on the residence. The tenant summoned a private locksmith who drilled out the lock. The tenant opened the door. The complainant alleged detaining officers made inappropriate comments regarding his alleged refusal to open the door and his legal status with regard to his tenancy. One witness did not come forward. The other witness did not see the entire incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officers should not have admitted the master tenant without according him a 48-hour notice. The officers denied the allegation, stating they were providing a civil standby for the master tenant in order to provide him an opportunity to retrieve medication. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 10/04/11 **DATE OF COMPLETION:** 03/06/12 **PAGE #2** of 2

SUMMARY OF ALLEGATIONS #9-10: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officers were summoned for a standby by the complainant's master tenant, when he refused to open the door after being contacted via cellular phone, constant knocking, and the removal of an interior lock from his apartment door by a locksmith. The master tenant sought to remove medication from the apartment. Officers detained the complainant in handcuffs after the locksmith opened the door and the complainant became upset with the locksmith and master tenant's entry. The complainant stated the officers detained him in handcuffs without justification, stating he had not heard the officers knocking, and that he had been on the phone when telephonic communication had been attempted. The officers denied the allegation, stating they heard movement inside the residence, and saw the complainant make sudden movements when the door was opened. One witness did not come forward, the other witness did not see the entire contact. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer tricked him into giving up his friend, whom the officer arrested. The officer stated that he had not duty to tell the complainant his motives for speaking with the suspect. 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:

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

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

FINDINGS OF FACT: The complainant stated that the officer has taken him to the hospital three times and he is usually released the same day. The complainant stated the officer accused him of making terrorist threats. The officer stated that he believed the complainant was gravely disabled, a danger to himself and others because he was making violent and threatening comments to the public (terrorist threats) and to the officer. The officer stated he knows the complainant has mental health issues that are especially problematic when he fails to take his medication. There were no witnesses to the incident. Medical records were not released for this incident because the complainant did not authorize his mental health records to be released. There were no witnesses to the terrorist threats. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer handcuffed the complainant.

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

FINDINGS OF FACT: The complainant stated he was handcuffed. The officer stated he detained the complainant for a mental health evaluation so it is standard procedure to handcuff while transporting. The officer performed his duty per DGO 5.18 Prisoner Handling and Transportation.

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SUMMARY OF ALLEGATION #3: The officer used rude language.

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

FINDINGS OF FACT: The complainant stated the officer told him to “shut up” after he questioned the detention. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 4: The officer used excessive force on the complainant

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

FINDINGS OF FACT: The complainant stated the officer hyper extended his thumb, put a spit mask on him and pushed his neck forward, pressing and squeezing his pressure point. The officer denied hyper extending the complainant’s thumb. The officer said he used physical control to get the spit mask on the complainant. The complainant did not authorize information relating to mental health. There were no other witnesses. There is insufficient evidence to determine the level of force necessary to control the complainant.

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DATE OF COMPLAINT: 10/05/11 **DATE OF COMPLETION:** 03/27/12 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT : The complainant believes the detention was harassment and false arrest. The complainant stated that he believes the officer is racially profiling him as he only picks on him among the homeless people in the Northbeach area. The officer was questioned relative to the OCC's biased policing protocol and denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT :

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/12/11 **DATE OF COMPLETION:** 03/29/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated in an anonymous letter that an unknown officer failed to investigate the complainant's report to the police of two men verbally assaulting the complainant and threatening the complainant to a fight. Several attempts were made to contact the complainant in order to obtain additional needed information. The complainant never responded to any contact attempts. The CAD did not have enough information to identify which officer(s) the complainant interacted with and the one officer named in the CAD stated that she never made contact with the complainant. There is insufficient evidence to either prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant stated in an anonymous letter that an unknown officer falsely accused complainant of assaulting the two men he was attempting to make a police report about. Several attempts were made to contact the complainant in order to obtain additional needed information to identify the officers involved. The complainant never responded to any contact attempts. The CAD did not have enough information to identify which officer(s) the complainant interacted with and the one officer named in the CAD stated that she never made contact with the complainant. There is insufficient evidence to either prove or disprove this allegation.

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DATE OF COMPLAINT: 10/14/11 **DATE OF COMPLETION:** 03/29/12 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

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

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

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

FINDINGS OF FACT: The officer denied making inappropriate remarks and behaving inappropriately. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 10/14/11 **DATE OF COMPLETION:** 03/29/12 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant was properly arrested for driving with a suspended driver's license. The officer searched the complainant pursuant to his arrest before placing the complainant in the patrol car. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant's vehicle was searched for major items of value, weapons, damaged property and contraband prior to being towed. The officer had a duty to conduct a vehicle inventory pursuant to Department General Order 9.06.

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DATE OF COMPLAINT: 10/14/11 **DATE OF COMPLETION:** 03/29/12 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: The officer denied using any force on the complainant. The sole witness did not come forward. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to collect traffic stop data.

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

FINDINGS OF FACT: The officer stated he collected traffic stop data for the traffic stop but could not provide any evidence of the data entry. The San Francisco Police Legal Department could not locate any evidence that the officer entered traffic stop data. The allegation is sustained.

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DATE OF COMPLAINT: 11/17/11 **DATE OF COMPLETION:** 03/23/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The co-complainant stated that a man being treated at the hospital was a victim of an assault. A police officer arrived to take an incident report regarding the assault, but the officer refused to wait briefly while the patient was being treated for his injuries. The complainant stated that the officer left without talking to the crime victim. Later in the day, the officer conducted an interview and completed a report regarding the assault. The officer stated that he did speak with the victim at the hospital and told the victim that he could file a report later when he could speak. The victim, also a complainant, stated that the officer did not say this to him. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The co-complainant was the victim of an assault and wanted to file a police report about the attack. An officer eventually took a report, but the co-complainant stated that the officer waited too long to take the report and did not investigate the crime. The co-complainant stated that because he is black and the perpetrator of the crime is white, he was not treated with the same level of attention by the white officer that a white victim would have been treated with. The officer was questioned relative to the OCC's biased policing protocol and denied that race played any factor in the way the call for service was investigated. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 11/28/11 **DATE OF COMPLETION:** 03/29/12 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she was forced off a bus and then pushed against the wall by an unidentified officer. She stated she hit her head on the wall and scraped her knee. She stated that, at that same time, she was talking to her boyfriend on her cell phone and smoking a cigarette. She stated that while being handcuffed, the cigarette she was holding burned her finger. She further stated that the handcuffs were too tight.

One of the arresting officers stated that upon her detention, the complainant refused to stop talking on her cell phone. This officer stated he was trained to view cell phones as “disguised weapons.” He stated for officer safety, he took the cell phone from the complainant. The officer stated the complainant became very upset and “got right in my face.” He grabbed one of the complainant’s hands and the named officer grabbed her other hand. The officer utilized a twist lock to the rear to apply the handcuffs. He did not encounter any resistance. He did not recall whether the complainant was holding a lit cigarette. He denied that the complainant was pushed against a wall. The officer did not see any other officers use any force or physical controls on the complainant. At the station, the complainant complained that her handcuffs were too tight. The officer stated the complainant had rotated her wrists so that her palms faced inward. The palms are meant to face outward. He repositioned her wrists so that her palms of her hands were facing outward. He advised the complainant to keep her palms faced outward, otherwise she would cause herself pain. The complainant defiantly repositioned her palms facing outward again. This officer stated the complainant made no other complaints of pain and had no visible injuries.

The named officer stated when his partner took the cell phone from the complainant’s he grabbed the complainant’s hand that was holding a cigarette. She dropped the cigarette. The named officer employed a bent wrist control to handcuff her. She did not resist handcuffing. She did not complain about her finger being burned by the cigarette. The named officer did not observe any burns on her fingers at that time, or any other time. The officer stated the complainant did not make contact with a wall. The complainant complained of tight handcuffs at the station. The named officer stated his partner noticed that the complainant had twisted her hands so that her palms were facing inward. His partner adjusted the handcuffs. The complainant also complained of a scuffed knee and elbow. The named officer stated these injuries were probably incurred in the fight she had been in ten minutes before her arrest. Medics arrived at the station but the complainant declined medical attention.

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

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

FINDINGS OF FACT: Three other officers involved in this incident stated they were involved in arrests of other suspects and did not see the complainant taken into custody and did not hear the complainant complain of pain.

The supervising officer stated in the course of conducting a use of force investigation, he visited the scene of the arrest and checked for witnesses and video with negative results. He also spoke with the complainant and the two arresting officers. He made an entry into the use of force log. Photographs were taken of the complainant. He didn't recall why the complainant refused medical attention.

According to the incident report, the complainant and six others beat an eight-months pregnant 17 year-old female and her 21 year-old boyfriend after the pregnant woman failed to say, "Excuse me" to the complainant while on the bus. Photos of the victims show visible injuries. Photos of the complainant taken by police showed no visible injuries except a tiny scrape on the complainant's knee that had been previously covered with a band-aid.

The complainant was involved in an assault immediately prior to her arrest. She had no visible injuries. The named and witness officers stated the complainant was not pushed against a wall. They stated that when she complained about tight handcuffs, they noticed that the complainant had deliberately rotated her wrists so that the handcuffs became tighter. When they advised her not to do this, she did it again. She declined medical attention at the station. After her OCC interview, she refused to provide witness information. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant complained that her purse and cell phone were searched.

One of the arresting officer stated he searched the complainant's purse prior to placing her in the patrol car following her arrest. The other arresting officer stated the identified victim told police the suspects had stolen his cell phone. The officer further stated he was informed that the assault and robbery was possibly recorded on a cell phone. One of the named officers stated he viewed a video of the assault that was on one of the seized cell phones. He stated it might have been the complainant's phone. In *People v. Diaz* [51 Cal. 4th 84, 244 P.3d 501, 119 Cal. Rptr. 3d 105](#) (Cal. January 3, 2011) was a [Supreme Court of California](#) decision which held that there is no requirement for the police to obtain a warrant to search information contained within a cell phone upon lawful arrest. The [California Court of Appeals](#) affirmed the court's decision, a ruling, which was later, affirmed by the California Supreme Court.

The complainant's cell phone was properly seized as evidence. The complainant's purse was properly searched pursuant to her arrest. The officers' conduct was proper.

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DATE OF COMPLAINT: 11/28/11 **DATE OF COMPLETION:** 03/09/12 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on February 11, 2012.

SUMMARY OF ALLEGATION #2: 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 February 11, 2012.

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DATE OF COMPLAINT: 11/30/11 **DATE OF COMPLETION:** 03/20/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer made an inappropriate comment to her. The statements of three witnesses did not corroborate the allegation. Video footage without audio shows the officer making a short statement to the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/30/11 **DATE OF COMPLETION:** 03/09/12 **PAGE #1 of 2**

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

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 February 13, 2012

SUMMARY OF ALLEGATIONS #3-4: The officers failed to properly 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 February 13, 2012.

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DATE OF COMPLAINT: 11/30/11 **DATE OF COMPLETION:** 03/09/12 **PAGE #2 of 2**

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

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 February 13, 2012.

SUMMARY OF ALLEGATIONS #7-8: The officers failed to comply with DGO 5.20.

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 February 13, 2012.

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DATE OF COMPLAINT: 12/01/11 **DATE OF COMPLETION:** 03/28/12 **PAGE # 1 of 2**

SUMMARY OF ALLEGATIONS #1 & 2: The officers interfered with the rights of a bystander.

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

FINDINGS OF FACT: The complainant said officers approached him when he was 10-15 feet from officers, on the sidewalk, and they forced him to stop filming a traffic stop. The complainant acknowledged having 6 drinks in just over 2 hours. The named officers denied the allegations. One witness at the scene saw the complainant approach the officers and interfere with their investigation and discounted the complainant's account of the encounter. The evidence proved that the acts that provided the basis for the complaint did occur, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3 &4: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The named officers denied the allegation, stating that the complainant was drunk and unable to care for himself. One witness at the scene said the complainant appeared to be somewhat intoxicated. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant said the named officer failed to allow him access to a bathroom in a holding cell after repeated requests. The named officer acknowledged monitoring the complainant but said the complainant did not ask to use a bathroom before urinating in the holding cell. There were no witnesses who came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant said his cell phone was “wiped clean” of all data while he was in custody but provided no proof that there was any data on the phone when it was confiscated. The officers involved in the detention of the complainant acknowledged that he was holding a cell phone during the detention and that they processed it as property, but all denied doing anything to the phone that could have removed data. There were no witnesses who came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/16/11 **DATE OF COMPLETION:** 03/14/12 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The 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:

SFMTA
11 South Van Ness Avenue
San Francisco, CA 94103
415-701-3000

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/13/11 **DATE OF COMPLETION:** 03/19/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The police service aide failed to take required action.

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

FINDINGS OF FACT: The complainant brought forward issues that are outside the jurisdiction of the OCC. This complaint was forwarded:

San Francisco Police Department
Internal Affairs
850 Bryant Street, 5th Fl.
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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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 detained as a possible suspect in a hit and run incident. She stated she gave the officers consent to search her purse prior to being transported to the station. During the search, the officers found a Schedule 3 substance in her purse. She acknowledged she did not have a prescription for the drug. She was subsequently arrested for illegal possession of narcotics. The officers had probable cause to arrest the complainant. Their conduct was proper.

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

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

FINDINGS OF FACT: The co-complainant was detained for investigation of a hit and run incident. He stated he wasn't sure if his car hit another car or if his car was struck by another car. He stated his car's bumper came off. The complainant stated she was "dozing off" in the back seat of the car when the car was hit by another car. She stated, "Both drivers left the scene." She stated she and the co-complainant had spent the night drinking. She could not identify the other passengers in her car. The complainant was asked if the car's bumper came off and she replied, "I have no idea." The co-complainant was issued a Certificate of Release and released from the station. The officers had reasonable suspicion to detain the occupants of a vehicle that they suspected had been involved in a hit and run incident. Their conduct was proper.

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SUMMARY OF ALLEGATIONS #5-6: The officers drew their firearms without justification.

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

FINDINGS OF FACT: The complainants stated that officers pointed their firearms at them. They could not describe or identify these officers. The named officer stated he and his partner were following a vehicle with its front bumper torn off and dragging on the ground. It was moving at a high rate of speed. An off-duty officer pulled up and yelled at the officers to stop the speeding vehicle. The officers saw the vehicle stop. They watched as the occupants quickly exited the vehicle and began walking off in different directions. Not knowing why the off-duty officer instructed them to stop the vehicle, and believing the vehicle was possibly involved in a violent felony, the named officer stated he drew his firearm and ordered the occupants to the ground. All subjects complied and were handcuffed without incident. The named officer's partner stated he did not draw his weapon. The off-duty officer stated he did not know if any officer drew a firearm. He stated he was not armed at the time. Department General Order 5.01 allows officers to draw their weapons if they reasonably believe it is necessary for their own safety or the safety of others. The order requires that officers must articulate their justification for doing so. The officer stated he drew his weapon and documented doing so in his incident report. The officer's conduct was proper.

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he witnessed a police vehicle parked in front of a fire hydrant for over 30 minutes. 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:

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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 she was trying to speak with her boyfriend but he was unresponsive towards her. She stated that over the course of several hours she called him numerous times, banged on his door, and kicked it at least 200 times. She stated that police arrived and told her to leave but that she didn't leave when told to do so. She stated that the officer then detained her and took her to UCSF on a mental health detention. The complainant's boyfriend and the incident report confirmed that he was afraid for his safety based on the complainant's behavior. The information provided proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/05/12 **DATE OF COMPLETION:** 03/26/12 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 2, 2012.

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments and 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 March 2, 2012.