

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/12 **DATE OF COMPLETION:** 07/16/12 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's conduct was improper by talking on a cell phone while driving.

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

FINDINGS OF FACT: The complainant stated an unidentified officer drove his patrol vehicle while talking on a cell phone. The OCC made numerous attempts to identify the officer with negative results. California Vehicle Code section 23123 (c) states that limitations on cell phone usage while driving does not apply to a person using a wireless telephone for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity. CVC 23123 (d) states cell phone limitations while driving do not apply to emergency services professionals while operating an authorized emergency vehicle in the scope and authority of their duties. SFPD Department Bulletin 11-092 states that despite the CVC exemption, officers, should restrict usage of their cell phones while driving, to exigent, law enforcement purposes so that this public display of cell phone usage while driving does not create a negative effect on enforcement. The officer using the cell phone could not be identified in this complaint and therefore it could not be determined if the officer's cell phone usage was for an exigent law enforcement purpose. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/12 **DATE OF COMPLETION:** 07/05/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers attempted to serve a restraining order at an inappropriate time of day.

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

FINDINGS OF FACT: The complainant stated that after his former girlfriend filed a temporary restraining order against him, a uniformed police officer banged on his door at 2:45 a.m. in an apparent attempt to serve him with the restraining order. The complainant, who did not respond to the door, believes the officer attempted to serve the restraining order at an unreasonable hour. According to Department records, the complainant's former girlfriend reported to police that the complainant had been stalking and harassing her for several months. In response, an officer obtained an Emergency Protective Order, which officers unsuccessfully attempted to serve on the complainant at his residence at 10:59 p.m. and again at 2:45 a.m. Peace officers may serve Emergency Protective Orders 24 hours a day. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/12 **DATE OF COMPLETION:** 07/02/12 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 & 2: The officers arrested an individual without cause.

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

FINDINGS OF FACT: The complainant said undercover officers were dressed in NY Giants apparel, which gave the appearance they were NY Giants fans. These undercover officers walked straight through a crowd of San Francisco 49er fans having a tailgate party in the parking lot of Candlestick Park before the start of the National Football Conference game between the two teams. The complainant and a witness said someone among the group of 49er fans must have made an obscene remark and gesture to one or more of the officers. Consequently, the officers arrested this individual. The complainant and a witness implied the undercover officers instigated this incident by walking straight through the crowd of 49er fans. The officers stated that due to several previous reported instances of violence between opposing fans at various professional sporting events in the Bay Area, San Francisco city officials and National Football League officials decided to strictly enforce a “Zero Tolerance” policy of prohibiting belligerent fan behavior. The city’s efforts at curbing violent fan behavior was widely publicized in the news media several days prior to this event and at the game itself. The undercover officers stated that before the start of the game, their superior officers directed them to the location of this incident because of prior complaints of loud and boisterous behavior. The officers stated as they walked through the group of 49er fans, the 49er fans began booing and yelling at them. Someone threw a beef bone at the officers, and one 49er fan, holding a bottle of beer in one hand, made an obscene gesture with his middle finger close to an officer’s face followed by an obscene remark made directly to the officer. The officers determined this individual was intoxicated and arrested him. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant and a friend of the complainant said the officer grabbed an individual by the neck and pushed him through a crowd of people at the NFC Championship game in order to separate the individual from the crowd. The officer acknowledged assisting in the arrest of the individual who was resisting. The officer said that in order to control the individual, he had to grab the individual by the arm with one hand, and with his other hand, the officer grabbed hold of the top of the individual’s shirt near the throat while pushing him through the crowd. No independent witnesses were developed to corroborate the complainant’s allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/12 **DATE OF COMPLETION:** 07/02/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4 & 5: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant said undercover officers, dressed in NY Giants apparel, walked straight through a crowd of San Francisco 49er fans having a tailgate party in the parking lot of Candlestick Park before the start of the National Football Conference game between the two teams. The complainant, who did not know at the time these men were undercover police officers, believed this was inappropriate and intimidating, and would instigate trouble from the 49er fans. The complainant believed a 49er fan took offense to the NY Giants fans walking straight through their group, and made an obscene gesture to the NY Giants fans (undercover police officers). The officers then grabbed this individual, separated him from his group of friends and arrested him. The officers stated that due to several previous reported instances of violence between opposing fans at various professional sporting events in the Bay Area, San Francisco city officials and National Football League officials decided to strictly enforce a “Zero Tolerance” policy of prohibiting belligerent fan behavior. The city’s efforts at curbing violent fan behavior was widely publicized in the media several days prior to this game and at the game itself. The undercover officers stated that before the start of the game, their superior officers directed them to the location of this incident because of prior complaints of loud and boisterous behavior. The officers stated that 49er fans booed and yelled at them as they walked through the group. Someone threw a beef bone at the officers, and one 49er fan, holding a bottle of beer in one hand, made an obscene gesture with his middle finger close to an officer’s face followed by an obscene remark made directly to the officer. The officers determined this individual was intoxicated and arrested him. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper as ordered by the Department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/14/12 **DATE OF COMPLETION:** 07/31/12 **PAGE #1 of 2**

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

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

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

SUMMARY OF ALLEGATIONS #3-4: The officers damaged the complainant's property.

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 July 2, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/14/12 **DATE OF COMPLETION:** 07/31/12 **PAGE #2** of 2

SUMMARY OF ALLEGATIONS #5-6: 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 July 2, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/12 **DATE OF COMPLETION:** 07/31/12 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she called Life Alert more than once to report a problem with her grown son who would not leave her home. The complainant stated the responding officer rudely walked away and told her call was not an emergency. During the OCC interview, the complainant stated though she called police about a dispute with her son, she called her son back to pick up his daughter from her residence.

The officer denied the allegation. The officer said the complainant's son was no longer at the scene upon his arrival. He took the complainants son's name and the description of his vehicle. During the second call for service he advised the complainant that they were aware of the situation and were keeping an eye out for her son and to call 911 if her son returned to her residence and only if an emergency. The witness officer stated the named officer handled the call with courtesy and respect. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/12 **DATE OF COMPLETION:** 07/18/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. The evidence showed that no San Francisco Police Department officer or other government employee was involved.

URAVI, LLC
868 Valencia Street
San Francisco, CA 94110
415 648-2885

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/16/12 **DATE OF COMPLETION:** 07/30/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officer issued him a citation without cause. The complainant stated he was protesting in front of the Planned Parenthood office when the officer contacted him and issued him a citation. The citation shows that the complainant was cited for being on the pedestrian roadway. The complainant acknowledged committing the violation for which he was cited. The officer stated that the complainant violated Section 21956 of the California Vehicle Code. In his report the officer stated the complainant was standing in the parking lane of the street approximately 3 feet from the curb and was holding a 9 feet tall wooden pole. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer inflicted pain on the complainant by applying handcuffs.

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

FINDINGS OF FACT: The complainant alleged that the officer inflicted him pain when the officer handcuffed him. The complainant stated that prior to being placed in handcuffs, he told the officer about his shoulder rotator cuff operation and that placing his hands behind his back would hurt him. The complainant stated the officer ignored what he said and proceeded to handcuff him causing pain to his shoulder. The evidence shows that the complainant was under detention during the contact. The law allows an officer to put handcuffs on a subject while being detained. The evidence shows further that the officer caused no injury to the complainant and the latter's injury were preexisting. Also there was no evidence showing that the officer used force in handcuffing the complainant. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/16/12 **DATE OF COMPLETION:** 07/30/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer was discourteous during the contact. The complainant stated further that the officer made the contact purposely to harass him. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/12 **DATE OF COMPLETION:** 07/26/12 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officers raised their voice at her and told her to stop selling crack. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS # 3 & 4: The officers searched the complainant's purse and wallet.

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

FINDINGS OF FACT: The complainant stated that the officers searched her purse and wallet and felt it was without probable cause. The officers stated the complainant was stopped for a traffic violation and after running the complainant they saw she was on felony probation for narcotics and that was their probable cause for the search. The complainant admitted that she was on probation. The officers performed their duties per DGO 2.01 Rule 5. Performing Duties.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/12 **DATE OF COMPLETION:** 07/26/12 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #5: The officer issued a citation without cause

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

FINDINGS OF FACT: The complainant stated that she had previously been cited for her expired registration and did not believe she should be cited again for the same violation. The officers cited the complainant for expired registration per CVC 4000 (a), which was due on 10/11. The officers performed their duties per DGO 2.01 Rule 5. Performing Duties.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/06/12 **DATE OF COMPLETION:** 07/31/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force. The complainant stated that the officer pulled her out of her vehicle and threw her to the ground. The complainant further stated that the officer yanked her twice, place her arms behind her back, and placed her in tight handcuffs. The officer denied the allegation. The officer stated that the complainant resisted when he arrested her for failure to obey his orders to sign a citation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer wrote an inaccurate report. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/12 **DATE OF COMPLETION:** 07/10/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officers stated they arrested the complainant for possession of suspected illegal narcotics. One officer stated he has had special training in drug identification and contacted the Poison Control Center and described the pills before booking the complainant. Based on his training and experience, he believed the pills were illegal narcotics.

According to the crime lab report, the seized pills were examined and tested negative for common controlled substances.

The officers had the discretion, based on his training and experience, to arrest the complainant for suspicion of possession of suspected illegal narcotics. Their conduct was proper.

SUMMARY OF ALLEGATIONS #3 & 4: The officers failed to advise the complainant of his Miranda rights.

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

FINDINGS OF FACT: The complainant stated that the arresting officers did not read him his Miranda rights. He stated he was not interviewed or interrogated.

The officers stated they did not interview or interrogate the complainant and therefore did not advise him of his Miranda rights.

Officers do not have a duty to provide adult suspects with a Miranda admonishment until just prior to being formally interrogated. The complainant was not interrogated. The officers' conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/12 **DATE OF COMPLETION:** 07/10/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5 & 6: The officers applied handcuffs too tightly.

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

FINDINGS OF FACT: The complainant stated that when he was handcuffed to the bench, he complained about tight handcuffs and the booking officer adjusted them. He stated the booking officer “did something wrong” because the handcuffs moved up to his forearm. The booking officer adjusted them again. The complainant stated the handcuffs were painful but caused no visible or physical injuries.

The complainant had no visible injuries. He acknowledged being intoxicated and belligerent. He also mentioned that he had a hard time sitting still.

The arresting officers stated they both handcuffed the complainant to the bench. The officers stated they double-locked and checked them for tightness. Both officers stated the complainant did not complain of tight handcuffs. The booking officer stated he did not recall if the complainant complained of tight handcuffs.

In his supplemental Incident Report, the booking officer stated the arresting officers handcuffed the complainant to the bench. He stated the complainant refused to answer medical questions and complained of tight handcuffs. The booking officer stated he loosened them, checked them for tightness and double-locked them. The complainant’s left hand was subsequently re-handcuffed to the bench by the arresting officers after he was allowed to use the bathroom. The booking officer stated he observed the complainant tug on his handcuffs more than ten times. The complainant also stood up several times and did stretching exercises with both legs and arms. He subsequently said the handcuff was too tight. The booking officer checked and the handcuff had moved three inches up his wrist. The booking officer checked them and they were applied properly. The complainant requested photos, and the officer took five photos of the complainant.

In his OCC interview, the complainant further stated that while enroute to jail, he slipped his handcuffed hands from behind his back to the front of his body. He would have been unable to do so if the handcuffs were too tight. He stated he suffered no injuries. The allegation is unfounded.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/12 **DATE OF COMPLETION:** 07/12/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/12 **DATE OF COMPLETION:** 07/02/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was speaking with an acquaintance whose name she does not know when a patrol car arrived and a police officer told her that he needed to speak to her acquaintance. The complainant crossed the street and heard her friend screaming. She turned and saw that her friend was holding his face in his hands and the police officer was holding a can of pepper spray in his hand. The officer and his partner then drove away from the area. The complainant stated that she did not know the name of her acquaintance that was pepper sprayed. The complainant provided a general description of the involved officers but could not provide any specific information about the identity of either the police officer or the patrol car number. An officer identification poll was returned with no officer identified as being involved. Department records were researched and no record of this contact was found. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments to her. The complainant provided a general description of the officer and his partner but could not provide any specific identifying information for either the officers or the patrol car. An officer ID poll was returned with no officer identified as being involved. Department records were researched but no record of this contact was found. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/27/12 **DATE OF COMPLETION:** 07/06/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated his ex-girlfriend was kicking at his door, so he called the police. The complainant stated the officers were biased during their response and investigation, but he would not sign a citizen's arrest or answer what he wanted the officers to do. One identified witness denied being present and the other did not respond to OCC requests for an interview. The officers stated the complainant at first complained that he did not want to be bothered by his ex-girlfriend. The complainant then became quiet and uncooperative once he heard that his ex-girlfriend claimed he had borrowed her iPod and refused to return it. The officers said the complainant then asked for a CAD number and asked them to leave. The officers stated that none of the parties were injured or appeared to have been in a domestic violence struggle, so they provided the complainant with the CAD number and left. The evidence demonstrates the officers attempted to mediate a verbal dispute with no physical evidence of domestic violence, and an uncooperative reportee. The officers' activities during this response were reasonable and proper under the circumstances, and were inconsistent with biased policing. The preponderance of the evidence proves that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/29/12 **DATE OF COMPLETION:** 07/30/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said the officer issued a citation to him for refusing to remove a tent and tarpaulin during an Occupy San Francisco street demonstration. The complainant said he did not construct the tent or the tarpaulin. The Chief of Police established a directive that tents and tarpaulins would not be allowed at this demonstration. The Police Chief based his directive on a local ordinance prohibiting tents and tarpaulins from being constructed at this type of event. Various officers told the protestors to remove the tent and tarpaulin, or officers were going to seize these items. The protestors repeatedly ignored the officers' commands, and the complainant stepped forward identifying himself as a member of the group. The officer accordingly issued a citation to the complainant based on the group's refusal. 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 made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officer deceived him by asking who would accept a receipt for the police seizure of a tent and tarpaulin that had been constructed at an Occupy San Francisco demonstration. The officer said he and other officers repeatedly told the group to take down the tent and tarpaulin because it was in violation of a city ordinance. The members of this group ignored the officers' commands. The officer told the group that the police would therefore remove and seize the tent and tarpaulin. The officer repeatedly asked who was going to accept responsibility for the tent and tarpaulin. When the complainant stepped forward and was subsequently issued a citation, he said the officer jokingly asked him if he knew what the term "NAVY" meant. The complainant said he did not know, and the officer said, "Never Again Volunteer Yourself." The officer admitted making this statement, but said he did not make it to be rude or discourteous. The comment made by the officer while questionable does not rise to sustainable misconduct. He explained to the complainant that he should have collaborated with others in the group before accepting responsibility.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/29/12 **DATE OF COMPLETION:** 07/30/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The complainant said he told the officer he wanted to file an OCC complaint, but the officer discouraged him from doing this and said he should complain to the Federal government. The officer said the complainant did not inform him that he wanted to file an OCC Complaint. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/12 **DATE OF COMPLETION:** 07/02/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she had just picked up her two kids when she noticed an unmarked police car following her. She pulled over and the officer pulled up next to her and the two exchanged words before the officer drove off. The complainant felt the officer was harassing her for no reason. The officer stated that he was following her after she stopped at a home known for gang activity. He was following her for law enforcement purposes as he waited for the results of a computer query. The CAD showed that the officer was querying her license plate. 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 made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated she was being followed by an officer in an unmarked vehicle. She pulled over and asked the officer why he was following her and the officer replied by pulling out his star and saying he is a sergeant. He asked her why she was driving in circles and she replied that she didn't want him following her and that she was going to report him to internal affairs. Then the officer drove off and the complainant didn't see him again. The officer stated that he was following her while he was conducting a computer query. When he determined there was no criminal behavior, he decided to ask the complainant a question and drive off without further action. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/15/12 **DATE OF COMPLETION:** 07/09/12 **PAGE #1 of 1**

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 the officer did not investigate his case due to his race. The officer was interviewed relative to the OCC's biased policing protocol and denied the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/12 **DATE OF COMPLETION:** 07/11/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged officers detained him without justification. The complainant observed officers detaining someone nearby him and believed the detained party had done nothing wrong. The complainant waited until the detaining officers came very close to him with their custody and then said words to the effect that the officers had detained the wrong person. Officers detained the complainant, alleging he was drunk in public. Although the complainant had displayed some objective symptoms of being drunk in public, he denied being intoxicated. The complainant admitted he was very close to the scene of the officers' detention. Witnesses corroborated the complainant's proximity to the police activity. Based on this evidence, the complainant presented a potential threat to officer and prisoner safety and the officers were justified in detaining the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officers made inappropriate comments. The officers denied the allegation. The witnesses either did not hear the entire transaction or gave conflicting and/or incomplete statements regarding the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/12 **DATE OF COMPLETION:** 07/11/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officers ejected the complainant from a special event. They handcuffed him and began walking him out of the event's location. The complainant stated that the officers used unnecessary force and took him to the ground for no reason as they walked him to the street. The officers denied the allegation. One officer did not recall what occurred. The second officer stated he maintained a strong grip on the complainant because the complainant was significantly larger than the officer. During the course of the walk to the street, the complainant leaned forward and toppled to his knees. The officer denied this was a reportable use of force. He stated he applied the appropriate physical control of his prisoner. The witnesses saw the complainant go down and heard the officers tell the complainant to stop resisting. Their accounts varied from each other and what the officers recalled. Neither the police officers, nor the witnesses heard the complainant complain of pain, injury, or request medical attention at the scene. There were no independent witnesses. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/12 **DATE OF COMPLETION:** 07/24/12 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer drove a department vehicle in an improper manner.

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

FINDINGS OF FACT: The investigation was unable to identify the officer who committed the alleged act. There were no witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/31/12 **DATE OF COMPLETION:** 07/16/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer confiscated his firearm but failed to provide the complainant a property receipt for the confiscated firearm. The OCC investigation showed that the named officer has retired and is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/12 **DATE OF COMPLETION:** 07/26/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated she received a threatening note and asked the officer to write a police report. She stated that she refused to answer the officer's questions and left the station. The officer stated the complainant showed him a note that was unreadable and unintelligible. He did not see a threat in the letter. He stated the complainant did not ask him to write a police report and left the station. He stated his contact with the complainant lasted about forty-five seconds.

Section 25 of Department General Order 2.01 states members "shall make all required written reports of crimes or incidents requiring police attention." The complainant refused to disclose the contents of the note to the OCC. The officer saw no threat in the note. The complainant stated she refused to answer any of the officer's questions. The complainant walked away without providing the information that would be required to write a report. The officer stated if the note had contained a threat, he would have prepared a suspicious occurrence report. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant stated she gave the officer a note and he read it aloud. She stated it included the sentence, "I will kill you." The complainant then accused the officer of threatening to kill her "because he said the words."

The officer stated that the note was unreadable and unintelligible. The word he could discern was the complainant's first name. She pointed to a word that she said was "kill." The officer asked her, "Does it say kill you?" When he said this, the complainant took five steps away from him and said, "You're threatening to kill me?"

The officer did not threaten to kill the complainant. By the complainant's own account, he was reading from a note she provided him. The allegation is unfounded.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/12 **DATE OF COMPLETION:** 07/26/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer acted in an inappropriate manner during a strip search for contraband. The complainant stated the officer removed her clothes for her, kept her handcuffed during the strip search and bent her over to remove evidence from her buttocks. She stated the officer should have allowed her to remove her own clothing during the search. She stated that she had been strip searched in other jurisdictions and that peace officers in other jurisdictions always allowed her to remove her own clothing. She further stated that the officer acted improperly by not allowing her to undress herself and then “squat and cough” to release contraband from her buttocks. The officer denied the allegation. The officer stated she had been trained to keep the complainant handcuffed for officer safety, to control the suspect’s movements, and to prevent the destruction of evidence. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/12 **DATE OF COMPLETION:** 07/05/12 **PAGE #1** of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/12 **DATE OF COMPLETION:** 07/10/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved and spoke inappropriately.

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

FINDINGS OF FACT: The evidence proved that the actions complained did not involve an on-duty member of the Department. The complaint has been referred to Internal Affairs.

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

San Francisco Sheriff's Department
Investigative Services Division
25 Van Ness Ave. Suite 350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/12 **DATE OF COMPLETION:** 07/12/12 **PAGE #**1of 1

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

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

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

San Francisco Recreation & Park
Head Park Patrol Officer
501 Stanyan Street
San Francisco, CA 94118

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/06/12 **DATE OF COMPLETION:** 07/31/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer's intimidating comment was inappropriate.

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

FINDINGS OF FACT: The complainant withdrew her complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that an officer recently helped her and treated her with respect. She further stated that many people are out to get her and she feels the officer may be in danger. She did not wish to file a complaint, but rather wanted to provide the OCC with information in case something happens to the officer. This complaint raises matters not rationally within the OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/12 **DATE OF COMPLETION:** 07/17/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complaint raises matters outside of OCC jurisdiction involving possible criminal activity not related to San Francisco Police Department officers or San Francisco Police Department misconduct. The complaint has been forwarded for investigation to the commanding officer of the complainant's district station:

San Francisco Police Department
Northern Police Station
1125 Fillmore Street
San Francisco, CA 94115

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/12 **DATE OF COMPLETION:** 07/18/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The evidence proved that the allegation did not involve a sworn member of the SFPD. It has been forwarded to the California Highway Patrol.

SUMMARY OF ALLEGATION #2: The officer spoke inappropriately to the complainant.

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

FINDINGS OF FACT: The evidence proved that the allegation did not involve a sworn member of the SFPD. It has been forwarded to the California Highway Patrol.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/12 **DATE OF COMPLETION:** 07/23/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complaint raises matters outside of OCC jurisdiction. The complaint has been referred for investigation to:

South San Francisco Police Department
P.O. Box 711
South San Francisco, CA 94083

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/12 **DATE OF COMPLETION:** 07/30/12 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/12 **DATE OF COMPLETION:** 07/30/12 **PAGE #1** of 1

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

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

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

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102
(415) 554-2392

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/12 **DATE OF COMPLETION:** 07/30/12 **PAGE #1** of 1

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

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

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

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102
(415) 554-2392

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/11 **DATE OF COMPLETION:** 07/06/12 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The named officers denied the allegations. Neither the complainant or any witnesses responded to requests for interviews. There was insufficient evidence to either prove or disprove the allegation.

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

CATEGORY OF CONDUCT: CRD **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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/11 **DATE OF COMPLETION:** 07/06/12 **PAGE # 2** of 2

SUMMARY OF ALLEGATIONS #5 & 6: The officers harassed the complainant's family.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/11 **DATE OF COMPLETION:** 07/30/12 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant and his partner were German tourists visiting San Francisco and driving a rental car. The complainant was a passenger in the rental car while his partner was driving the vehicle. They became lost in downtown San Francisco and did not understand the posted signage prohibiting cars from driving in the bus lane. The complainant admitted that they were driving in the bus lane and committed the violation for which they were cited. The officer conducted a traffic stop and cited the driver for the admitted violation. 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 made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated he and his partner were German tourists visiting San Francisco and driving a rental car. The complainant was a passenger in the rental car while his partner drove the vehicle. They got lost in downtown San Francisco and were confused by the posted traffic signage regarding driving in a bus lane. The complainant admitted to the violation of driving in a bus lane and being cited for that violation by a police officer. The complainant's partner, an African-German with very limited ability to either speak or understand English could not understand the officer. When he turned to speak to the complainant who understands and speaks English, the officer yelled at the partner to face the officer. The complainant stated the officer did not understand that his partner was a German tourist who had a very limited ability to speak or understand English. The complainant stated that the officer requested to search their car for drugs and threatened to take the driver/partner to jail. The officer denied the allegation and stated he did not recall the contact. The witness did not come forward despite several unsuccessful attempts to contact the witness in Germany. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/11 **DATE OF COMPLETION:** 07/30/12 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that he and his partner were German tourists visiting San Francisco. The complainant's partner drove a rental car while the complainant was a passenger in the car. They were driving in downtown San Francisco when they became lost and confused by the posted traffic signs. The complainant admitted that they were driving in a bus only lane and were cited for that violation by a San Francisco police officer. The complainant stated that the officer failed to understand that although the driver may have outwardly appeared to look African-American, the driver was in fact an African-German who had a very limited ability to speak and understand English. The officer yelled at the driver to look at the officer after the driver turned toward the complainant who could speak and understand English. The officer asked to if there were drugs in the vehicle and threatened to take the driver to jail. The complainant alleged that the officer engaged in biased policing. The OCC made several unsuccessful attempts to conduct a telephone interview with the complainant's partner in Germany. The officer was questioned relative to the OCC's biased policing protocol and denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/11 **DATE OF COMPLETION:** 07/30/12 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant and his partner were German tourists visiting San Francisco. The complainant's partner drove a rental car while the complainant was a passenger. They became lost in downtown San Francisco, confused by the posted traffic signage and were cited for illegally driving in a bus lane. The complainant stated that the officer failed to understand that although the driver may have outwardly appeared to be African-American, the driver was an African-German with limited ability to either understand or speak English. When the driver turned toward the complainant who could speak and understand English, the officer yelled at the driver to face the officer and speak only to him. The officer asked if there were drugs in the car and also threatened to take the driver to jail. The complainant reported that the officer was hostile to both of them and treated them as if they were criminals.

The OCC concluded that the officer's conduct was the result of a policy failure and recommended that the Department incorporate in its language access protocol a list of common indicators that language services are necessary and additional factors that may hinder effective communication with an LEP person. Relevant to this particular case, the OCC recommended that the Department's language access protocol include the following guidelines: "Someone may appear to speak one language, but may actually speak another. For example, Spanish may not be the primary language for some people from Central and South America. Someone appearing African American may be from Africa, the Caribbean, Europe, or elsewhere and not speak English well. The OCC also recommended that common indicators that language assistance is necessary include: 1) the individual requests an interpreter or translator; 2) the individual switches from English into another language or mixes English with another language; 3) dispatch used Language Line Services (or bilingual staff) to obtain information from the 911 caller; 4) the individual speaks in fragmented or incomplete sentences and additionally uses English words incorrectly, relies upon incorrect verb tenses or speaks in the present tense even when needing to describe past or future events; 5) the individual's response to open-ended questions indicates a limited ability to understand the question or to communicate in English (i.e. the individual answers, "yes or no" to questions that require an explanation.); 6) the individual's facial or body gestures indicate the individual is having difficulty understanding or communicating in English; and 7) the individual responds physically to simple verbal commands (i.e. hand me your driver's license); however any of the aforementioned common indicators are also present. The Department agreed to OCC's suggested recommendations and on June 26, 2012 issued Department Bulletin 12-132.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/08/11 **DATE OF COMPLETION:** 07/02/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers detained him without justification. The officers responded to an A priority auto burglary call and the complainant was standing next to the vehicle described to dispatch. The officers arrested the complainant for vehicle burglary. The complainant admitted in his OCC interview that he was breaking into the vehicle on the date of the detention. The evidence proved that the act of detaining the complainant, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3-6: The officers used excessive force.

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

FINDINGS OF FACT: The complainant stated that he believed the officers kicked him in the head during his detention and he lost consciousness. The officers denied kicking the complainant in the head and stated the only physical contact they had with the complainant was when they were attempting to place him in handcuffs. The officers denied that any excessive force was used during the incident. The officers and an independent witness stated that after the complainant burglarized a parked vehicle, the complainant ran from the officers, tripped on his own and fell to the ground whereupon he struck his head sustaining an injury. The witness acknowledged that the officers and the suspect were out of his line of sight. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/11 **DATE OF COMPLETION:** 07/06/12 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainants claimed officers should not have detained a man in medical distress, while acknowledging that the complainant was irrational and resistant to officers' orders when they attempted to investigate reports of a man with altered mental status. The named officers denied the allegation. One witness officer was not present when the subject was detained. Department and medical records indicated that the complainant was irrational and admitted to "acting crazy" because of an acute medical condition. No other witnesses came forward. The evidence proved that the acts that provided the basis of the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainants said the officers "tackled" the complainant to the ground, causing injuries to his face and chest. The co-complainant acknowledged, however, that the complainant ran away from police and had thrown himself to the ground several times before officers arrived. The named officers acknowledged the complainant was injured during a struggle with them, but denied using unnecessary force, stating the complainant resisted their efforts to keep him from running into a busy street, and they had to subdue him by performing a leg sweep, causing him to fall forward. A witness officer said he conducted a preliminary investigation into the use of force after the fact and found it to be within policy. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/11 **DATE OF COMPLETION:** 07/06/12 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The co-complainant said a sergeant used profanity in speaking to her while the complainant was being subdued. A sergeant who arrived at the scene said he arrived after the complainant was on a gurney. The officers who subdued the complainant denied there was a sergeant on the scene while they were doing so, and denied using or hearing any officer use profanity in speaking to the co-complainant. No other witness came forward. There was insufficient evidence to identify the officer or to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/11 **DATE OF COMPLETION:** 07/02/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to properly book his cellular phone and keys after the complainant's arrest. The officer denied the allegation and stated that he only recovered suspected narcotics during his search of the complainant. The officer denied taking the complainant's property. The complainant's Inmate Property Inventory Report, which the complainant signed, shows no cell phone or keys being taken from him at the time of booking. Additionally, the Tow Slip shows the complainant's motorcycle not having a key at the time of the tow. It should be noted that the complainant's motorcycle is a dirt bike. Some dirt bikes can be started without a key. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/11 **DATE OF COMPLETION:** 07/02/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer ordered him to leave his residence. The officer stated that he responded to the scene regarding a residency dispute. He investigated the matter and spoke to the involved parties. The officer stated that the complainant voluntarily left the residence. The witness officers either do not remember the incident or any conversations that occurred during the incident. No witnesses came forward to either confirm or deny the allegations. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/11 **DATE OF COMPLETION:** 07/02/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officers placed him under arrest without cause. The officers responded to the scene regarding a burglary call. The officers were met by the victim-reporting party who had previously filed a report regarding the burglary. The reporting victim identified the complainant as the individual who had stolen from him, the victim's possession were located on the complainant, and the complainant voluntarily stated he would return the victim's items back at a later time. During his OCC interview, the complainant admitted possessing the reporting victim's items. The evidence proved that the acts, which provide the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3 & 4: The officers used excessive force and applied the handcuffs tightly.

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

FINDINGS OF FACT: The complainant stated the officers dragged him out of his apartment and that the handcuffs placed on him were tight. The officers 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/11 **DATE OF COMPLETION:** 07/02/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officers were joking and laughing at him during his arrest. The officers 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 ALLEGATIONS #7-8: The officers failed to provide Miranda Rights.

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

FINDINGS OF FACT: The complainant stated the officers did not provide him with his Miranda Rights. State law requires Miranda Rights are to be provided once a person is under arrest and then questioned about his conduct where-in the person could incriminate themselves without the protection of counsel. The complainant stated that the officers made inappropriate comments to him but never said the officers questioned him. The officers stated that the complainant was not questioned therefore, Miranda Rights were not required to be provided to the complainant at that time. Once the complainant was booked, Miranda Rights were provided to him. The evidence proved that the officers acted appropriately within the law and Department policy and procedures.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/11 **DATE OF COMPLETION:** 07/26/12 **PAGE#** 1 of 4

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 alleged that an officer made inappropriate comments about the validity of her domestic violence call. The officers who were questioned denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer failed to comply with Department General Order 6.09.

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

FINDINGS OF FACT: The officer allegedly failed to comply with DGO 6.09, the Department's policies and procedures for investigating a domestic violence case. The investigation established that the named officer responded to the scene as backup. When the sergeant arrived on scene, he had to instruct the named officer to move the complainant's husband from outside of the complainant's bedroom where an officer was interviewing her into a separate room. By placing the husband in close proximity to a domestic violence reportee, the named officer ignored domestic violence protocols that recommend the separation of parties during the interview to obtain independent statements. The named officer did not interview the complainant and her husband; ultimately, the primary and supervisory officers at the scene were responsible for complying with DGO 6.09. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/11 **DATE OF COMPLETION:** 07/26/12 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #4: The officer failed to comply with Department General Order 6.09.

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

FINDINGS OF FACT: The complainant stated she called the police because her husband had assaulted her. After arriving on scene and talking with both her and her husband, the officer and his supervisor concluded that no crime had occurred. The officer's supervisor requested the complainant's husband to leave and he complied. The named officer acknowledged that this call was dispatched as a domestic violence call. He could not recall whether he provided the complainant a Domestic Violence Referral Card or a CAD number as required under DGO 6.09. After the officers left, the complainant called the station to obtain an incident report number. The officer's supervisor at the scene erroneously believed that the officers were not required to provide the complainant a Domestic Violence Resource Card or a CAD number unless they determined a domestic violence crime had occurred. The allegation is sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/11 **DATE OF COMPLETION:** 07/26/12 **PAGE#** 3 of 4

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to properly supervise.

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

FINDINGS OF FACT: The complainant stated the officers did not take seriously her report that her husband had assaulted her. The complainant described the officers as having an attitude of “unless she had a knife sticking out of her,” her husband’s treatment of her was not serious. The supervising sergeant and his subordinate concluded that although originally dispatched as a domestic violence call, their investigation determined that only a verbal argument had occurred between the complainant and her husband. While the sergeant and subordinate may have correctly determined that the evidence was insufficient to take enforcement action against the husband, other actions the sergeant took violated DGO 6.09 and undermined its goals. The sergeant appeared to be influenced by the husband’s representation that his wife was mentally unstable and that previous calls for service had never amounted to more than noise complaints. However, in 2007 at the same address SFPD officers had seized the husband’s gun and issued an emergency protective order on the complainant’s behalf after she had reported her husband had assaulted her.

Neither the sergeant nor his subordinate provided the complainant the CAD number or the Domestic Violence Referral card as required by DGO 6.09. Although lacking such authority, the sergeant requested the husband to vacate the apartment and told the complainant to call the police if her husband returned. Without the CAD number and the Domestic Violence Resource card, the complainant did not have any documentation of her 911 call if her husband had returned. Additionally, the sergeant erroneously believed that he or his subordinate was not required to provide the CAD number or Domestic Violence Resource card to the complainant unless he had determined that sufficient evidence of a domestic violence crime existed. As the supervisory officer at the scene, this officer had a duty to ensure that both he and his subordinate followed the proper Department policies and procedures. The allegation is sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/11 **DATE OF COMPLETION:** 07/26/12 **PAGE#** 4 of 4

SUMMARY OF OCC-ADDED ALLEGATION #2: The officer made an unauthorized order.

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

FINDINGS OF FACT: The officer acknowledged that this call was initially dispatched as a domestic violence call. He stated that after investigating, he determined that it was only a verbal argument between the complainant and her husband, and that no crime had occurred. He stated that he advised, not ordered, the complainant's husband to leave the residence for the night, and the husband complied. However, by the sergeant's own account, he escorted the complainant's husband out of the apartment and to the building's exit. Additionally, he told the complainant to call the police if her husband returned. Thus, by the sergeant's description of his own conduct, he conveyed to both the complainant and the husband that the husband was not free to ignore the sergeant's instruction to leave the apartment. The sergeant did not have any authority to order the husband to leave his residence. The allegation is sustained.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/12 **DATE OF COMPLETION:** 07/02/12 **PAGE#** 1 of 4

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 he was driving in a lawful manner when the officer detained him without cause. The named member and witness officer said the complainant was speeding and swerving in and out of traffic without regard for public safety and nearly hit vehicles on the side of the road. Back-up officers said the complainant was already detained, outside his vehicle and handcuffed upon their arrival. Incident Report and citations document that the complainant was driving in a reckless manner, resisted arrest, had no proof of insurance and was driving with expired registration. DGO 5.03 Investigative Detention policy permits officers to detain a person if they have reasonable suspicion to believe the person's behavior is related to criminal activity. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The named member and on-scene officer said they witnessed the complainant driving in a reckless manner. The officer stated that the complainant was non-complaint to verbal commands, resisted them throughout the contact, that the complainant's vehicle registration was expired over six months, and that the complainant did not have current proof of insurance. The complainant admitted that his vehicle registration was expired and admitted that he did not readily submit to the officers orders but said the named member over reacted by using excessive force. The responding witness sergeant said the complainant's vehicle was towed for having expired registration over six months. Other back-up officers said the complainant was already detained, outside his vehicle and handcuffed upon their arrival. The named member issued Incident Report and citations documenting the charges against the complainant. DGO 5.06 establishes procedures for citing and releasing a person engaged in misdemeanor or infraction violations. There were no other witnesses. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/12 **DATE OF COMPLETION:** 07/02/12 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The named member and witness officer said the complainant's vehicle was towed because the registration was expired over six months. A responding sergeant said the complainant's vehicle was towed for having an expired registration over six months. The complainant admitted that the registration was expired but said it was only a couple weeks expired. Incident Report and citations document that the vehicle registered expired in November 2010. DGOs 9.01 and 9.06 establish policies and procedures for Traffic Enforcement and Vehicle Tows, with established goals to prioritize traffic enforcement, to cite and release violators and to tow vehicles where the registration is over six months expired (California Vehicle Code section 22651(o)) The evidence proved that the act, which provided the basis for the allegation, occurred; however, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said when the detaining officer pulled him from his vehicle he grabbed his necklace and broke it. The named member denied causing damage to the complainant's necklace. The responding Sergeant and other officers said they knew nothing of a damaged necklace. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/12 **DATE OF COMPLETION:** 07/02/12 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant admitted to not immediately complying with the named members' orders, but said that the officer responded by using unnecessary force. The named member and witness officer said the complainant ignored their verbal commands and physically resisted them. Both the named officers and witness denied using, or witnessing, any unnecessary force. The responding sergeant and other back-up officers said they observed no force by any officer or resistance by the complainant. The DGO 5.01 defines reasonable force as that which is necessary and appropriate. Kaiser Hospital Patient Report documents strain to the complainant's wrist. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer provided inaccurate information.

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

FINDINGS OF FACT: The complainant said when he asked the male officer what the first initial on his nametag stood for the officer gave him a female name. The officer denied the allegation and said he provided the complainant with his full name and star number "multiple times." Witness officers denied hearing the alleged comment. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/12 **DATE OF COMPLETION:** 07/02/12 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The officer said he dispatched the incident as a 916 because when he made the call he was on his SFPD bicycle and the complainant was in a car moving through traffic at a high rate of speed and he hoped that a marked unit would respond and make the vehicle traffic stop, but when the complainant's vehicle circled the block he used the opportunity to make the stop himself. The officer said he believed he completed the E585 paperwork anyway by filling out a small card containing the requisite information and placing it into his Captain's box at the station at the end of his shift. The officer said he did not know what happened to those cards after they were submitted. The officer said as a bicycle cop he did not have access to an on-scene MVT so his practice was to fill out the card. The officer said he has since learned of the on-line form and has been logging the data into the database at the end of his shift. A request for documentation of an E585 entry was made to SFPD Legal who responded that there is "no documents responsive to your request." The SFPD Department Bulletin requires that officers collect traffic stop data in 585-Traffic Stops but only suggests officers do so in 916- suspicious person in a vehicle contacts. This traffic stop was logged as a 916, therefore the named member was not required to enter the data. The evidence proved that the act by the member was justified by Departmental policy, procedure, or regulation; however, the OCC recommends a change in the particular policy, procedure, or regulation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/11 **DATE OF COMPLETION:** 07/06/12 **PAGE#** 1 of 2

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/11 **DATE OF COMPLETION:** 07/06/12 **PAGE#** 2 of 2

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

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

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/11 **DATE OF COMPLETION:** 07/27/12 **PAGE #1** of 3

SUMMARY OF ALLEGATION #1: The officer displayed her weapon without justification.

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

FINDINGS OF FACT: The complainant stated that while she was a passenger aboard the MUNI, SFPD officers boarded the MUNI car with their guns drawn. The complainant stated that a female officer approached her with her gun drawn and pointed it at the complainant for several minutes. The officer stated that she did have her gun drawn when she boarded the MUNI car because she was searching for a bank robbery suspect who was possibly armed with a gun. Video footage confirmed that the officer boarded the MUNI with her gun drawn; however, it does not appear that she ever pointed it directly at the complainant. No other witnesses came forward. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: In her OCC narrative of the incident, the complainant wrote that she was riding the MUNI to work when police officers boarded the MUNI with their guns drawn and ordered everyone to put their hands up. The complainant further wrote that a female officer approached her with her gun drawn and subsequently placed the complainant in handcuffs. The officer admitted detaining the complainant while investigating a bank robbery, stating that prior to boarding the MUNI LRV she had heard a suspect description over the air. The suspected bank robber was described, in part, as a black male. The officer stated she detained the complainant solely because of the complainant's close proximity to the suspect. Video footage from the MUNI shows the officer ordering the complainant to the ground and subsequently detaining the complainant. The video further shows two other female passengers seated nearby the complainant and the alleged suspect. The video does not show these two other females being ordered to get on the floor of the MUNI coach, or subsequently being detained. Department General Order 5.03 states that a police officer may briefly detain a person for questioning only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The complainant did not fit the description of the suspect, nor did the complainant engage in any criminal activity when she was detained. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/11 **DATE OF COMPLETION:** 07/27/12 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainant stated that she was placed in handcuffs even though she had not done anything wrong. The officer admitted to handcuffing the complainant while investigating a bank robbery. Video footage from the MUNI shows the officer ordering the complainant to the floor of the MUNI coach and subsequently placing the complainant in handcuffs. The video further shows two other female passengers seated nearby the complainant and the alleged suspect. The video does not show these two other females being placed in handcuffs. Department General Order 5.03 states that a police officer may briefly detain a person for questioning only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The complainant did not fit the description of the suspect, nor did the complainant engage in any criminal activity when she was detained. As discussed above, the officer detained the complainant without justification, resulting to the complainant being placed in handcuffs unnecessarily. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #4: The officer searched the complainant's personal property without justification.

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

FINDINGS OF FACT: The complainant stated that her bag was searched even though she had not done anything wrong. As previously discussed, the officer detained and handcuffed the complainant without justification. The video footage shows the officer searching the complainant's bag. The search would not have occurred had the complainant not been improperly detained by the officer. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/11 **DATE OF COMPLETION:** 07/27/12 **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 stated that she felt she was racially profiled when she was detained on the MUNI because no other female passengers were treated the same way she was treated. The officer stated that she detained the complainant because of the complainant's close proximity to the suspected bank robber. However, the officer essentially could not explain why two other women, who appeared to have light skin and who were seated within close proximity to where the complainant was seated, were not detained. The suspected bank robber was, in part, described as a black male. No additional information was broadcast to suggest that there were additional suspects. The complainant did not fit the description of the suspect, nor did the complainant engage in any criminal activity when she was detained. Other than the complainant's close proximity to the alleged suspect, the officer failed to articulate any other factors that led to the complainant's detention. Although there was sufficient evidence to establish that the complainant was detained without justification, there was insufficient evidence to establish that the detention was racially motivated. The officer was questioned relative to the OCC biased protocol and denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/06/11 **DATE OF COMPLETION:** 07/06/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was leaving work from Treasure Island at the time hundreds of motorists attending an Oracle convention were also attempting to leave the island. The complainant attempted to report reckless motorists to police. The complainant said an unidentified officer used profanities while ordering him to get out of the area. Neither the complainant nor a witness that was present and heard some or part of the conversation was able to identify the officer in question. All officers who fit the description and were reportedly assigned to the event were questioned. Some officers denied being assigned to the event while others denied the allegation. There is insufficient evidence to prove or disprove the allegation against a particular member.

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

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

FINDINGS OF FACT: The complainant was leaving work from Treasure Island at the time hundreds of motorists attending an Oracle convention were also attempting to leave the island. The complainant said an unidentified officer overreacted by yelling at him to get out of the area. Neither the complainant nor a witness was present and heard some or part of the conversation was able to identify the officer in question. All officers that matched the description and were assigned to the event were questioned. Some officers denied being assigned to the event while others denied the allegation. There is insufficient evidence to prove or disprove the allegation against a particular member.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/20/11 **DATE OF COMPLETION:** 07/13/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that SFPD officers have stopped him for traffic violations every year for the past 11 years and he feels it is harassment. The officer denied the allegation and stated that he had never seen, stopped or cited the complainant prior to the traffic stop that resulted to this complaint. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer wrote an incomplete and inaccurate citation.

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

FINDINGS OF FACT: The complainant stated he was cited for making an improper right turn. He stated that the officer failed to include a date to appear in court on the citation. The officer acknowledged the missing information but stated that he was not required to include a date to appear because the citation was for an infraction violation. An SFPD subject matter expert who conducts training of officers on the filing and issuance of citations stated that when issuing a citation for an infraction violation, officers are trained to include a date 30 days from the date that the citation is issued. A department bulletin states that officers are required to include this information. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/20/11 **DATE OF COMPLETION:** 07/13/12 **PAGE#** 2 of 2

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with Department Bulletin 11-097.

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

FINDINGS OF FACT: The OCC added an allegation that the officer failed to enter traffic stop data as required by Department Bulletin 11-097. The officer denied the allegation and stated that he complied with the bulletin. The Department was unable to locate any records to show that the officer made any traffic stop data entries on the date of the incident. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/11 **DATE OF COMPLETION:** 07/26/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated the police came to her apartment because she had loud music playing. The complainant stated she refused to turn the music down when asked to do so by two police officers. She said she tried to close the door on the officers but one of them put his foot in her door. They told her they would have to conduct a citizen's arrest if she did not turn down her music. The complainant told the officers, "Go ahead. I can do whatever the hell I want to do. Get the hell out of here." The complainant stated she "made a move" to hide her stereo and the music turned off. The officers then left. The complainant then added that the officers went into her room. They walked about 6 steps into her room. They just stood there and then left.

Both officers stated a neighbor had complained about the complainant's loud music. The complainant repeatedly refused to turn down her loud music and cursed at them while they were conducting an investigative detention. One officer stated he warned the complainant she would be subject to a citizen's arrest if she failed to comply. The other officer stated he put his foot in the door when the complainant tried to slam the door. This officer stated that when the complainant turned to go back into her room, he was fearful that she might try to arm herself. Both officers stated they followed the complainant into her room, where she violently pushed her stereo off a table. They left without citing her.

The officers were conducting a proper investigative detention of the complainant. The officers had the discretion to enter her apartment to conduct a citizen's arrest. Their conduct was lawful.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/11 **DATE OF COMPLETION:** 07/05/12 **PAGE #** 1 of 2

SUMMARY OF ALLEGATION #1: The officer placed the complainant in handcuffs without justification.

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

FINDINGS OF FACT: The complainant owns a grocery store on Clement Street. On the day of the incident, the complainant stated that his employee and a delivery driver were involved in an altercation. The complainant stated that when the police arrived, he was detained for no apparent reason. The named officer stated he was responding to a call regarding a fight between a Chinese male and a Latino male. The named officer stated that according to dispatch, the Chinese male was holding a knife. The named officer stated that when he arrived on the scene, he saw a Chinese man, later identified as the complainant, talking to a uniformed officer and a plainclothes officer. The named officer stated he observed the complainant becoming aggressive towards the uniformed officer. The named officer stated he saw the complainant jabbing at the uniformed officer with his index finger and then balled up his right fist. At that point, the uniformed officer grabbed the complainant and attempted to place him in handcuffs. The named officer assisted the uniformed officer and placed the complainant in handcuffs without further incident. The uniformed officer supported the named officer's account of what happened. A witness corroborated the report of an Asian male holding a knife. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated that the report was inaccurate because it listed him as the person having the argument with the delivery driver. The complainant denied that he attempted to walk away from the uniformed officer. Additionally, the complainant alleged that the named officer failed to mention the plainclothes officer in his report. The complainant also denied being aggressive towards the uniformed officer, denied making a fist, and denied taking a fighting stance as reported in the incident report. The named officer and two witness officers denied the allegation. The named officer stated that the plainclothes officer was not listed in the report because the plainclothes officer's involvement was minimal, and that the plainclothes officer simply acted as a back-up officer. The complainant submitted video footage of his contact with the officers. The video shows the complainant talking to the delivery driver. The video also shows the complainant turning away from the uniformed officer when the uniformed officer approached him. Additionally, the video shows the complainant jabbing at the uniformed officer and then balling up his right fist when the uniformed officer pushed the complainant's hand away. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #3: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the report was inaccurate, because it listed him as the person having the argument with the delivery driver. The complainant denied that he attempted to walk away from the uniformed officer. Additionally, the complainant alleged that the named officer failed to mention the plainclothes officer in his report. The complainant also denied being aggressive towards the uniformed officer, denied making a fist, and denied taking a fighting stance as reported in the incident report. The named officer and two witness officers denied the allegation. The named officer stated that the plainclothes officer was not listed in the report because the plainclothes officer's involvement was minimal, and that the plainclothes officer simply acted as a back-up officer. The complainant submitted video footage of his contact with the officers. The video shows the complainant talking to the delivery driver. The video also shows the complainant turning away from the uniformed officer when the uniformed officer approached him. Additionally, the video shows the complainant jabbing at the uniformed officer and then balling up his right fist when the uniformed officer pushed the complainant's hand away. OCC's investigation did not find any intent to misrepresent the facts in the incident report. The officer's overall account of what happened was supported by the video footage provided by the complainant. The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

SUMMARY OF ALLEGATIONS #4 & 5: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the primary officer slapped his wrist, grabbed his arm, and pushed him. The complainant said that after he was handcuffed, another officer asked him to sit down. When he was trying to sit down, the officer kicked his legs from under him, causing the complainant to fall to the ground. The main officer stated the complainant became aggressive, jabbed at him with his index finger, and then balled up his right fist. The officer was concerned about officer safety and feared the complainant was about to strike him, so he pushed the complainant's hand away, grabbed his arm, and guided him to the wall, and attempted to place him in handcuffs. Another officer assisted and said he asked the complainant to sit on the ground for officer safety and for the safety of the complainant and others, but the complainant squatted, refusing his requests to sit on the ground. The officer stated that while holding onto the complainant's shoulder, the officer performed a leg sweep, guiding the complainant to the ground. The officer then used his leg to lift the complainant's left leg over the complainant's right leg, crossing the complainant's leg for officer safety. The officers' accounts of the contact was supported by the video footage submitted by the complainant. OCC's investigation found the force used appropriate and not excessive. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/11 **DATE OF COMPLETION:** 07/18/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The sergeant drew her weapon without justification.

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

FINDINGS OF FACT: The complainant stated the officer drew her gun on him without justification. The officer stated she observed the complainant in the back seat of a vehicle that appeared to have been broken into. The officer was also by herself and due to the hour of the incident felt that for safety reasons, it was necessary to have her weapon drawn. The complainant admitted to being in between two unknown vehicles doing drugs while being on probation and parole at the time. The complainant further admitted that when he saw the officer flash her light he tried to evade her by moving to another vehicle and then fled down the street because he feared police contact. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #2 & 3: The officers used excessive force.

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

FINDINGS OF FACT: The complainant stated the officers used excessive force. The complainant stated that officers tackled him to the ground after he ran from the officers. The complainant admitted that he ran from the officers because he became paranoid. He admitted to using an illegal narcotic, had burglar tools used for breaking glass with him, the vehicle he was crouched next to when the officers observed him had two broken windows with the car alarm going off, and he was on probation/parole. The officers denied that they used unnecessary force when the complainant was captured after running from them. DGO's and current law permits officers to use necessary force to place a person under arrest. The complainant's own statements provided reasonable suspicion and probable cause for an arrest. The complainant admitted fleeing from the officers and the officers chased him and brought him into custody. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegations in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/11 **DATE OF COMPLETION:** 07/26/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officers stated that they arrested the complainant for driving under the influence. The complainant admitted that she had too much to drink. The Report of Forensic Toxicology Results shows that the complainant had a blood alcohol level of 0.16. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, the acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated that after the traffic stop, she was pulled from her car and thrown onto the trunk, thrusting her face onto the trunk. The complainant admitted that she had too much to drink. The arresting officers stated the complainant exited her vehicle by herself and denied using or seeing any force being used against the complainant. No other witnesses came forward. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/11 **DATE OF COMPLETION:** 07/26/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The named officer admitted that it was his responsibility to enter the required E585 data. The named officer and his partner stated that the appropriate entry was made at the time of the incident. However, the Department has failed to produce proof that the entry was made. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/14/11 **DATE OF COMPLETION:** 07/27/12 **PAGE #1** of 2

SUMMARY OF ALLEGATIONS #1/2: The officer conducted a traffic stop without cause.

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

FINDINGS OF FACT: The complainant stated the officer conducted a traffic stop of her vehicle without cause. The complainant admitted in her OCC interview that her center brake light was not working on the day of the incident. The officers denied the allegation. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated an officer conducted a traffic stop on her boyfriend for driving with a defective brake light. The complainant stated her boyfriend had been cited earlier in the evening for the same violation. During the police contact, the boyfriend stated he showed the officer his recent citation and asked the officer what more he could do, since he had already received a citation. The complainant stated the officer said he could make the citation “disappear,” meaning the officer could issue her boyfriend another, possibly more serious violation without cause. The officer denied the allegation. No independent witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/14/11 **DATE OF COMPLETION:** 07/27/12 **PAGE #2** of 2

SUMMARY OF ALLEGATION #4: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated the officer conducted a traffic stop based on biased police practices. The officer was questioned relative to the OCC's biased policing protocol and denied the allegation. No independent witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer failed to log the complainant's gender, ethnicity, date of birth, time of stop, location of stop and reason for the stop into the appropriate database, as required by applicable SFPD policies and procedures. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/14/11 **DATE OF COMPLETION:** 07/17/12 **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 the officer was not receptive to her needs or safety regarding a dispute with a customer. The named officer denied the allegation. He responded to the store and handled the retail dispute and both parties were satisfied with the resolution. The officer stated the saleswoman did not express a concern for her safety to him. He left the store after the issue was resolved and his services were no longer needed. The officer stated the customer and the saleswoman were calm and agreeable when he left the store. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer made an inappropriate comment. The officer stated that the incident occurred seven months ago and he did not recall making the alleged comment. No other witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/11 **DATE OF COMPLETION:** 07/05/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that a key witness was left off of the incident report. The complainant failed to provide contact information for the alleged witness. The arresting officer and one witness officer denied the allegation. No other witnesses came forward. There was insufficient evidence to make a finding.

SUMMARY OF ALLEGATIONS #2 & 3: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that his new iPhone and a California Identification card were not booked into evidence and were not returned to him. The officers involved in the arrest of the complainant denied the allegation. Department records show that a Kyocera cellular telephone and a California Identification card were taken from the complainant during the booking process, and the complainant signed the report, confirming the items that the officers seized. No other witnesses came forward. The evidence proved that the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/11 **DATE OF COMPLETION:** 07/05/12 **PAGE #1** of 3

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

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

FINDINGS OF FACT: The complainant said he was illegally arrested during an Occupy San Francisco street demonstration, but he could not identify the arresting officer(s). After giving the demonstrators a chance to disperse, the SFPD ordered officers to encircle the crowd of demonstrators and arrest the group for vehicle code violations as well as violating lawful orders from police officers. The complainant acknowledged that he voluntarily joined the crowd of demonstrators and sat down in the street with the demonstrators in defiance of police orders to move along. The complainant's arrest and release were properly documented in the Incident Report. The report indicates officers gave the protestors a chance to move out of the public thoroughfares, which they were blocking; however, some of the protestors ignored the order and were subsequently arrested. 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 selective enforcement.

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

FINDINGS OF FACT: The complainant said he was illegally arrested during an Occupy San Francisco street demonstration, but he could not identify the arresting officer(s). He was subsequently taken to the County Jail. While being held in the lock-up, he fell and injured himself. He claimed that jail officials provided first aid treatment; then, he was released after being issued a Certificate of Release. The complainant claimed selective enforcement because, while he was issued a Certificate of Release, other demonstrators who were arrested along with him, were issued a citation and released after he was released. Yet, other demonstrators were held for arraignment. The complainant claimed he was given special treatment because law enforcement officers wanted to absolve themselves of the complainant's injury. The officer who issued the Certificate of Release to the complainant stated he was complying with Department policy regarding the lawful arrest of demonstrators. Other SFPD police officials stated it was the responsibility of the Sheriff's Department to render medical treatment to prisoners who were injured while being held at the County Jail. Pursuant to department procedures officers have discretion to advise, cite or arrest individuals. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/11 **DATE OF COMPLETION:** 07/05/12 **PAGE #2** of 3

SUMMARY OF ALLEGATION #3: The officer failed to provide medical assistance to the complainant.

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

FINDINGS OF FACT: The complainant said he was illegally arrested during an Occupy San Francisco street demonstration, but he could not identify the arresting officer(s). He was subsequently taken to the County Jail. While being held in the lock-up, he fell and injured himself. He claimed that jail officials provided first aid treatment; then, he was released after being issued a Certificate of Release. The complainant claimed he was given special treatment because law enforcement officers wanted to absolve themselves of his injuries while he was in custody at the County Jail. San Francisco Police Department officials stated it was the responsibility of the Sheriff's Department to provide medical treatment to prisoners who were injured while being held at the County Jail. The evidence proved that named member was not involved in the alleged acts.

SUMMARY OF ALLEGATION #4: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant admitted to participating in an Occupy San Francisco protest. He also admitted hearing a police official order the demonstrators to move along; otherwise, they would be arrested for violating applicable sections of the California Vehicle Code. When the complainant tried to move to a safer location, he and other demonstrators were barricaded, encircled by police officers and arrested. The complainant acknowledged ignoring the order to disperse. He argued that he was engaged in peaceful assembly and protest consistent with the protections of the First Amendment to the U.S. Constitution; therefore, his arrest was illegal. Police officials stated that the demonstrators were provided ample time to disperse after they were given several verbal admonitions. Some demonstrators and onlookers voluntarily left the area without being arrested, while those who defied the police orders and remained in the area were arrested. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/11 **DATE OF COMPLETION:** 07/05/12 **PAGE #3** of 3

SUMMARY OF ALLEGATION #5: The officer failed to provide medical treatment to the complainant.

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

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

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102
(415) 554-2392

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/11 **DATE OF COMPLETION:** 07/23/12 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated she flagged down this officer and he failed to assist her in finding her sister's assailant. The officer denied that the complainant flagged him down, and stated when he did arrive on the scene of the assault he investigated the claim diligently. 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 failed to provide his name and star number.

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

FINDINGS OF FACT: The complainant stated she asked the officer for his name and star number and he refused to provide her with the information. 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

SUMMARY OF ALLEGATION #4: The officer failed to take an accurate police report.

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

FINDINGS OF FACT: The complainant stated the police report was inaccurate. The officer stated the police report was accurate according to his recollection of the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated the officers detained him without justification and denied he wore gang colors. The officers stated they observed the complainant and his companion loitering in front of a business. The complainant wore gang colors. The officers stopped the complainant and his companion for a consensual encounter. The complainant admitted he agreed to speak with the officers. The officers ran the complainant's bicycle serial numbers, and his identification. The officers learned he had a valid stay away order from the location. A preponderance of the evidence proves that the detention was proper.

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

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

FINDINGS OF FACT: The complainant stated the officers engaged in biased policing based on his race. He stated the police treated him in a dissimilar fashion from his Caucasian companion. The officers were interviewed relative to the OCC's biased policing protocol and denied the allegation. The evidence indicated that the officers investigated the complainant and his companion in the same manner, by running their names through the California Law Enforcement Telecommunication System (CLETS). The CLETS query of the complainant's companion yielded no wants, warrants or conditions. The CLETS query of the complainant yielded that the complainant was on probation and subject to the conditions of a stay away order. The complainant admitted he was subject to the conditions enumerated by his probation condition. The officers stated they would have arrested the complainant's companion had the companion been subject to any conditions, wants, or warrants. The evidence proved that the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #5: The officer wrote an inaccurate, incomplete incident report.

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

FINDINGS OF FACT: The complainant stated the officer failed to include relevant specific information in the report regarding the reason for his detention. He stated the officers spoke to him regarding his bicycle and mentioned problems with bike thefts in the area. The complainant stated in his OCC interview that he willingly spoke to the officer regarding bike thefts in the area. The officer denied the allegation, stating she had a consensual encounter with the complainant. The officer summarized the incident as a consensual encounter and it was not a material omission for her to do so. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #6 & 7: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated the officers failed to properly process his property. He stated he was riding a bicycle at the time of his arrest and he did not know what happened to it. The co-complainant stated that following the complainant's arrest, officers returned the bicycle to a friend of the complainant's and the bicycle was currently safe with a relative. The evidence proved that the acts alleged in the complaint occurred, however, the officers actions were proper and within department procedures.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/11 **DATE OF COMPLETION:** 07/13/12 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant was arrested during an “Occupy SF” protest where multiple individuals were arrested. During her arrest, the complainant alleged that one of the officers had no nametag or badge on his uniform. One of the arresting officers questioned by the OCC denied the allegation. The OCC obtained the photograph taken of the complainant at the time of the arrest. The photo shows the officer next to the complainant as having his nametag and star on his uniform. The officer questioned by the OCC could not specifically recall the complainant’s arrest and could not provide the name of the other arresting officer. The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was arrested during an “Occupy SF” protest where multiple individuals were arrested. During her arrest, the complainant alleged that numerous officers behaved inappropriately toward her. One of the arresting officers questioned by the OCC denied the allegation. This officer could not specifically recall the complainant’s arrest and could not provide the name of the other arresting officer. The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/11 **DATE OF COMPLETION:** 07/13/12 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #3: The officer placed her in tight handcuffs.

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

FINDINGS OF FACT: The complainant was arrested during an “Occupy SF” protest where multiple individuals were arrested. The complainant alleged that she was placed in tight handcuffs. One of the arresting officers questioned by the OCC could not specifically recall the incident in question. However, the officer stated that he could not recall the complainant at any time asking him to loosen her zip ties. The identity of the alleged officer has not been established. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was arrested during an “Occupy SF” protest where multiple individuals were arrested. The complainant alleged that she was inappropriately searched. One of the arresting officers questioned by the OCC could not specifically recall the incident in question and could not recall searching the complainant. The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/11 **DATE OF COMPLETION:** 07/13/12 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant was arrested during an "Occupy SF" protest where multiple individuals were arrested. The complainant stated that while she was in handcuffs, one of the arresting officers cut off the strap of her purse. One of the arresting officers questioned by the OCC could not specifically recall the incident in question. The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to provide medical attention.

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

FINDINGS OF FACT: The complainant alleged that the officer failed to provide medical attention. The complainant stated that she asked an officer for medical assistance because her zip ties were tight and her hands were swollen, but the officer refused. The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/11 **DATE OF COMPLETION:** 07/13/12 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #7: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated she asked an officer to loosen up her zip ties, but the officer refused. The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/21/11 **DATE OF COMPLETION:** 07/02/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: Department records show that the officer has retired and is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATIONS #2-3: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that he was attacked with a knife and called 911 for assistance. Police arrested a man and the complainant was contacted by two investigators from the department. The complainant felt like the investigators were interrogating him instead of the suspect. Later, the complainant learned that the suspect had not been charged with a crime. The officers stated that their interviews were part of their investigation. They submitted the case to the district attorney's office but the assistant district attorney declined to prosecute the case. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that the suspect has not been arrested for stealing her money. The officer investigated the case by following leads and interviewing the suspect. The officer presented the investigation to the DA's office and it was their office that determined that they would not prosecute the alleged theft. Without a confession, the officer had no other evidence to prove that the suspect stole the money, hence she could not make an arrest. The officer performed her duties per DGO 2.01 Rule 5.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/05/12 **DATE OF COMPLETION:** 07/26/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was arrested without cause. The complainant admitted he was under the influence of drugs and alcohol. The officers said they were conducting an ongoing missing person investigation and the complainant matched the preliminary description of the missing adult. The officers stated the complainant appeared to be under the influence and was not cooperative, resisted, and tried to get away from them. The officers subsequently arrested the complainant for a warrant violation. There were no witnesses during the incident. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and legal.

SUMMARY OF ALLEGATION #3: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant stated the officer intentionally dropped his property and kicked it while being booked. The officer denied the allegation. The officer stated he may have held and accidentally dropped the complainant's property while at the station with the complainant. The officer said he showed the complainant his property to let him know it was not damaged. There were no witnesses during the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/05/12 **DATE OF COMPLETION:** 07/26/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4 & 5: The officers behaved inappropriately and made inappropriate comments toward the complainant.

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

FINDINGS OF FACT : The complainant stated that the officers engaged in inappropriate behavior and comments. The named officer and witness officers denied the allegation. The identity of the involved officer, based on the complainant's description of the officer has not been determined. The complainant was unable to provide additional information of the involved officer. There were no witnesses during the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #6 - 8: The officers used unnecessary force during an arrest.

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force. The complainant admitted to being under the influence of drugs and alcohol. The complainant further admitted he was belligerent and non-cooperative toward the officers. The officers were concerned with officer safety regarding the complainant's behavior and resistance. The officers stated the complainant resisted and attempted to get away from the officers during the arrest, so a physical control hold was used. There were no witnesses during the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/12 **DATE OF COMPLETION:** 07/05/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that her son was wrongly cited for MUNI fare evasion. The officer believed that he cited the complainant's son for failure to display valid proof of payment upon request. The CA Penal Code section the officer cited is §644(c)(1), which prohibits evasion of the payment of a fare of the system. The officer appears to have cited the wrong section of the citation. However, because the subject of the citation provided false identifying information to the officer, the complainant's son was never actually cited. While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error caused harm to complainant or others). There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer issued an incomplete and/or inaccurate citation.

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

FINDINGS OF FACT: The officer stated that he failed to completely fill out the citation because he was distracted by the aggressive interactions between the complainant's son and an MTA fare inspector. The incomplete citation did not cause harm to the complainant's son because the son provided the wrong name, date of birth, and address to the named officer. While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error caused harm to complainant or others). There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/18/12 **DATE OF COMPLETION:** 07/31/12 **PAGE #1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers behaved inappropriately.

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

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

SUMMARY OF ALLEGATIONS #3-4: The officers issued a citation without cause.

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 June 28, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/18/12 **DATE OF COMPLETION:** 07/30/12 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer cited the complainant on June 24, 2011 without cause.

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

FINDINGS OF FACT: The complainant stated he was cited for jaywalking on June 24, 2011. The complainant acknowledged that he was jaywalking. The officer's conduct was proper.

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments to the complainant on June 24, 2011.

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

FINDINGS OF FACT: The complainant stated he wanted to complain about comments that were made to him but was unable to articulate what those comments were. The complainant could only say that what the officer said "wasn't human." The officer has retired from the Department and could not respond to this allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/18/12 **DATE OF COMPLETION:** 07/30/12 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer cited the complainant on September 28, 2011 without cause.

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

FINDINGS OF FACT: The complainant stated he was seated on his bicycle, pushing the bike with his feet on the ground, crossing the street in a crosswalk. He stated he was cited for riding a bicycle in a crosswalk. The officer stated he saw the complainant ride his bicycle from a sidewalk into a crosswalk, in violation of San Francisco Traffic Code section 100. The complainant acknowledged riding a bicycle in a crosswalk. The officer's conduct was proper.

SUMMARY OF ALLEGATION #4: The officer made inappropriate comments to the complainant on September 28, 2011.

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

FINDINGS OF FACT: The complainant stated he wanted to complain about the officer's comment but was unable to articulate anything the officer said to him, other than telling the complainant to get off his bike. The officer denied making any inappropriate comments to the complainant. He stated the complainant was very angry and cursed at him for citing him. The complainant was unable to articulate any inappropriate comments made by the officer. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/18/12 **DATE OF COMPLETION:** 07/30/12 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer cited the complainant on January 18, 2012 without cause.

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

FINDINGS OF FACT: The complainant stated he “may have stepped off the curb” against a red light. The officer stated he cited the complainant for being a pedestrian entering the road and crossing against a red light in violation of California Vehicle Code section 21453(d). The complainant acknowledged that he might have stepped into the road against a red light. The officer’s conduct was proper.

SUMMARY OF ALLEGATION #6: The officer made inappropriate comments to the complainant on January 18, 2012.

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

FINDINGS OF FACT: The complainant stated he wanted to complain about the comments made to him by an unidentified officer. He stated the officer said to him, “You jaywalked, you littered and you entered the bus illegally.” The officer denied making any inappropriate statements to the complainant. He stated he didn’t know if the complainant illegally boarded a bus. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/19/12 **DATE OF COMPLETION:** 07/06/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove a Department vehicle in an unsafe manner.

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

FINDINGS OF FACT: The complainant stated he was driving a taxi when a marked police car suddenly cut in front of him, causing the complainant to slam on his brakes. The officer stated he was driving approximately ten miles per hour and activated his right turn signal at an intersection but due to heavy traffic, he decided not to turn and proceeded straight. He stated he never swerved outside of his lane. The officer's partner stated the patrol car was going approximately ten to fifteen miles per hour in moderate to heavy traffic when he heard the complainant yelling that the officers had almost caused an accident by abruptly swerving into his lane of traffic. The officer stated he had no idea what the complainant was talking about because there had been no sudden or abrupt movements of the patrol car. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that when he complained about the officer's driving, an officer said to him, "Yes, that's how it goes". The officer denied the statement attributed to him. The officer stated he was stopped at a red light when the complainant began yelling at him. The officer stated the complainant continued to yell and refused to proceed forward when the light turned green. The officer stated he advised the complainant that traffic was backing up and that he needed to proceed forward or pull to the side of the road. The officer stated the complainant then drove away. The officer's partner denied that the named officer made this comment. There were no available witnesses and no additional evidence to further prove or disprove the allegation.