

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/12 **DATE OF COMPLETION:** 09/28/12 **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 arrested her without cause. The complainant was initially detained for 25 MPC “No Trespassing”. The officers conducted a warrants check and found that the complainant had an outstanding out-of-county warrant. The officer’s actions were lawful, justified and proper.

SUMMARY OF ALLEGATIONS#3-4: The officers made inappropriate comments/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the officers made inappropriate comments/acted in an inappropriate manner by parking their patrol car in a smoky location near County Jail. The complainant stated she has asthma, and that she had her inhaler with her in the car. The complainant stated she got upset. An officer got the complainant out of the car and brought her inside the jail facility. The complainant stated the officer made an inappropriate comment. The officers denied making inappropriate comments/acting in an inappropriate manner. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #5-6: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated the officers arrested her for trespassing but failed to enact the same enforcement measures on white individuals engaging in same or similar activities. The officers were questioned relative to the OCC Biased Policing Protocol and denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer transported a female to County Jail, but failed to log the ending mileage and destination with the Department of Emergency Management, in accordance with the San Francisco Police Department policy and procedure. 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.

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

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

FINDINGS OF FACT: The complainant stated that the incident report reflects that he was in possession of illegal narcotics when he was arrested, which the complainant denied. The complainant alleged that the incident report was inaccurate. The officer denied the allegation and said that his incident report accurately reflects his contact with the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the incident report reflects that he was in possession of illegal narcotics when he was arrested, which the complainant denied. The complainant alleged that the incident report was inaccurate. Additionally, the complainant alleged that police planted drugs on him. The named officer and other officers denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer failed to process his property when he was arrested. The complainant stated that when he went to retrieve his property from the property room, he received his property but was missing a cellular phone. The officer denied the allegation. The officer conducted a search incident to arrest and did not recall a cellular phone on the complainant. The officer stated he did not locate the complainant's cellular phone nor did the complainant make him aware that there was no phone. The SFPD Property Receipt, signed by the complainant, did not show a cellular phone being seized from the complainant when he was booked. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that a transient woman threatened him and then left the scene before an officer arrived. The complainant stated that he directed the officer to the area where he believed the woman had gone, and then watched as the officer drove to the area and sat in his patrol vehicle for several minutes before driving away. The officer denied the allegation, stating that he had a clear and unobstructed view of the area and that he could clearly see that the suspect was not there. 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:

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SUMMARY OF ALLEGATIONS #1-3: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated officers plotted with others from the apartment building to have him killed. The complainant said one of the officers called him delusional and another officer threatened to write a police report about the complainant's delusions if the complainant called the police again. The complainant admitted he heard voices in his head telling him he is dead and he believed that unknown persons were watching him by closed circuit television. The officers denied the allegation. The officers stated they do not know of any plot against the complainant to cause harm to him. The officers said they did not tell the complainant not to call the police nor was there a threat by the officers to write a police report about the complainant having delusions. The officers stated they were unable to locate any recording devices in the complainant's room. The officers described the complainant as delusional and paranoid. A witness stated he does not know of any plot by the police and others to have the complainant dead. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate and/or incomplete report.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that she was in a vehicle parked in an alleyway waiting to pick up her friend from work when an officer came up to the passenger side of the vehicle and pointed his firearm at her. The officer stated that he had his firearm drawn because he believed there was an auto burglary in progress and he did not know if the complainant was armed and could not see the complainant's hands. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that she was in a vehicle parked in an alleyway waiting to pick up her friend from work when an officer came up to the passenger side of the vehicle and tapped on the window with his firearm. The officer stated that he did not use his firearm to tap on the window but instead used his free hand to knock on the window. A subject matter expert stated that there is no specific prohibition against using a firearm to tap on a hard surface but that officers are not taught to do so. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant stated that she was in a vehicle parked in an alleyway waiting to pick up her friend from work when an officer pointed a firearm at her through the driver's side window. When the complainant got out of the vehicle, the officer pointed the gun at her face and then placed it against the back of her head. The officer stated that he had his firearm drawn because he believed there was an auto burglary in progress and he did not know if the complainant was armed and could not see the complainant's hands. The officer denied ever pointing the gun at the complainant's head. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that she was waiting in her friend's car while waiting for that friend to get off work when she was approached by police. The officers got her out of the car and handcuffed her even though she was doing nothing wrong. The officer stated that there had been a lot of auto burglaries in the area and he had noticed the complainant searching around the interior of the car. The officer detained the complainant in order to investigate what he thought could be a crime. When the officer determined there was no crime, the complainant was released with a certificate of release. The officer provided evidence of auto burglaries occurring in the area in recent months. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #5: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that she was waiting in her friend's car while waiting for that friend to get off work when she was approached by police. The officers got her out of the car and handcuffed her even though she was doing nothing wrong. The officer stated he was unsure if the complainant had access to a weapon and handcuffed her for officer safety reasons. The complainant did have a small folding knife in her pocket. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity. The officer stated that he did not use profanity. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #7: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officer grabbed her in a forceful manner to get her out of a vehicle while he had his gun pointed at her. He then told her that he would shoot her. The officer stated that he never told the complainant that he would shoot her and that he used no force in getting her out of the vehicle. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 5.04.

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

FINDINGS OF FACT: The complainant owned a residential property where her brother used to live before she had him evicted. Since the eviction, the complainant stated that her brother had broken into her property several times. Additionally, her brother would come by during an open house to harass her real estate agent and the potential buyers, preventing the complainant from selling the house. On February 25, 2012, her brother showed up again during an open house, cursing at her and harassing both her real estate agent and the potential buyers. The complainant called the police. After calling the police, the complainant followed her brother across the street from her property. Shortly thereafter, the named member, whom she said was familiar with her on-going problems with her brother due to prior calls, arrived on scene. The complainant stated she specifically asked the officer to arrest her brother for violating the restraining order she had filed, but the officer refused, citing that the complainant's brother was not on her property.

The named officer stated he responded to the complainant's property on a report of a threat. When he arrived on scene, no one was on the scene. The officer stated that after circling around the block a couple of times, the complainant flagged him down, approximately two blocks away from her property. The officer stated that the complainant asked him to arrest her brother for violating her restraining order against him. The officer stated the complainant did not have a copy of the restraining order. The officer also checked with Communications, but the restraining order was not in the system. The officer stated that he explained to the complainant that her brother was not in violation of the restraining order because her brother was not on or near her property.

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SUMMARY OF ALLEGATION #1 continued: The officer failed to comply with Department General Order 5.04.

Department General Order 5.04, ARRESTS BY PRIVATE PERSONS, states, in part:

II. PROCEDURES

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4. Determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate (see DGO 5.06, "Citation Release"). If probable cause does not exist, the individual is free to leave.

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8. In all instances involving requests for a private person's arrest, an incident report shall be prepared.

The officer stated he did not make the arrest because there was no probable cause for the arrest. Additionally, the officer stated he did not prepare an incident report because the complainant did not request for one.

Department General Order 5.04 requires members to prepare an incident report in all instances involving requests for a private person's arrest. The incident involving the complainant clearly involves a request for a private person's arrest. As such, the named officer should have generated an incident report pursuant to DGO 5.04. A preponderance of evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulation of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant alleged, in part, that the officer refused to review the restraining order she had against her brother, saying, "I don't need it." The officer denied the allegation and said that the complainant did not have a copy of the restraining order. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated that the officer engaged in selective enforcement by issuing him a citation. The complainant stated that he and his friends stepped off the sidewalk and into the street to walk around officers who were blocking the sidewalk. He stated that the officer cited him because he questioned the officer about his decision to cite one of the complainant's friends. The co-complainant, who was also cited by the named officer, stated that the officer stopped and began issuing him a citation for walking in the street. He stated that after the complainant questioned this officer, the officer cited the complainant as well. Another of the complainant's friends stated that the named officer cited the complainant after the complainant asked him questions. The named officer denied the allegation, stating that he cited the complainant because he saw him walking in the roadway. The named officer also stated that he cited the complainant before he cited the complainant's friend. Two witness officers stated that they did not overhear the complainant's conversation with the named officer. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer cited the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant stated that he and his friends stepped off the sidewalk and into the street to walk around officers who were blocking the sidewalk. He stated that the named officer told him to get back on the sidewalk and when he replied that he was on the sidewalk, the officer cited him for walking in the street. The co-complainant stated that the officer discounted his explanation that he stepped off the sidewalk only because officers were blocking the sidewalk. The complainant, a friend of the co-complainant, stated that he and his companions stepped off the sidewalk and into the street to walk around officers who were blocking the sidewalk. He stated that the named officer blocked the co-complainant's path and issued him a citation. A friend of the complainant and co-complainant stated that they stepped briefly off the curb because officers were blocking the sidewalk and got back onto the sidewalk as soon as officers told them to. The named officer stated that he saw the complainant and his friends walking on the roadway. Another officer instructed them to get on the sidewalk but the

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SUMMARY OF ALLEGATION #2 continued: The officer cited the co-complainant without cause.

FINDINGS OF FACT: complainant did not comply. The named officer stated that he cited the co-complainant for walking on the roadway after the co-complainant refused to step back onto the sidewalk and continued to question the officer as he was citing the complainant. Two witness officers stated that they did not overhear the co-complainant's conversation with the named officer. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The co-complainant stated that the officer had an inappropriate manner and engaged in inappropriate behavior by purposely blocking his path as he left the scene. The complainant, a friend of the co-complainant, stated that he did not see the officer block the co-complainant's path. The co-complainant and one of his companions both stated that the officer's manner was harsh. Two witness officers stated that they did not overhear the co-complainant's conversation with the named officer. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officers have harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that police officers watch his apartment and every time he leaves it, they enter and search his apartment, move items and steal his legal papers. The complainant also stated that he believes there may be hidden surveillance cameras inside his apartment. Department records indicate that the complainant has made numerous reports to police claiming that unknown parties have used a key to enter his apartment and steal items. One of these reports stated that the complainant had changed his locks and not given building management a key. Several of these reports raise concerns about the complainant's mental health. The evidence proved that the actions described were so obviously imaginary that their occurrence is not admissible by any competent authority.

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

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

FINDINGS OF FACT: The complainant stated that the officer wrote an inaccurate incident report concerning his claim that federal agents were illegally entering his apartment and in her description of the condition of his apartment. The report prepared by the named officer stated that the complainant claimed that police officers, federal agents and his apartment manager illegally enter his apartment and take items. The report makes no mention of the condition of the complainant's apartment. Department records indicate that the complainant has made numerous reports to police claiming that unknown parties have used a key to enter his apartment and steal items. One of these reports states that the complainant had changed his locks and not given building management a key. Several of these reports raise concerns about the complainant's mental health. The named officer stated that her incident report is accurate. She also stated that when she interviewed the complainant, he spoke of a government conspiracy against him. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that officers who responded to reports of burglaries at his apartment failed to write reports. Department records indicate that the complainant has made numerous reports to police claiming that unknown parties have used a key to enter his apartment and steal items, and that officers have responded and prepared incident reports. One of these reports stated that the complainant had changed his locks and not given building management a key. Several of these reports raise concerns about the complainant's mental health. The complainant stated that police officers watch his apartment and every time he leaves it, they enter and search his apartment, move items and steal his legal papers. The complainant also stated that he believes there may be hidden surveillance cameras inside his apartment. The evidence established that officers have prepared incident reports documenting the complainant's reports. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer arrested a co-complainant without cause. The officer has retired from the San Francisco Police Department and is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was detained after she failed to pay her fare on a MUNI vehicle. The complainant acknowledged that she did not pay her fare. The officers' conduct was proper.

SUMMARY OF ALLEGATION #4: The officer used unnecessary force to detain the complainant.

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

FINDINGS OF FACT: The complainant stated that when the officer escorted her to a patrol car, he grabbed her thumb and bent it backwards. She stated her thumb became dislocated but she was able to maneuver her thumb back in place. Medical records from Jail Medical Facilities and a hospital emergency room did not corroborate any injuries. The officer denied bending the complainant's thumb. He and other officers at the scene stated they did not hear the complainant complain of pain or injury. She did not request medical attention. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-7: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant was arrested for resisting arrest, assault on a peace officer and making criminal threats. The complainant acknowledged resisting arrest. The officers' conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1 & 2: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant and his cousin, the co-complainant, stated that they were ordered to leave a nightclub by security officers. As they were exiting the club, one of the security officers grabbed and assaulted the complainant, striking him numerous times in the face and head and causing a laceration to his head. The co-complainant was also assaulted. The complainant and co-complainant stated that officers who responded did not properly investigate. The evidence established that the first named officer interviewed the complainant and co-complainant. This officer's summary of their statements in the police report largely matched the accounts they provided to the OCC. The first named officer also interviewed the two nightclub security officers and the bartender who had asked that the complainant and co-complainant be ejected, attempted to obtain any surveillance video of the incident and obtained contact information for the club's manager for follow-up. The second named officer photographed the complainant's injuries. The evidence established that the named officers properly investigated the incident and that, therefore, 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 failed to receive a citizen's arrest.

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

FINDINGS OF FACT: The complainant and his cousin, the co-complainant, stated that they were ordered to leave a nightclub by security officers. As they were exiting the club, one of the security officers grabbed and assaulted the complainant, striking him numerous times in the face and head and causing a laceration to his head. The co-complainant was also assaulted. The complainant stated that he told officers at the scene he wanted the security officers arrested but the police officers failed to make an arrest. The co-complainant stated that he did not hear the complainant's conversation with police officers. The co-complainant denied making a statement attributed to him in the police report that he did not want to press charges. The named officer stated that he heard the complainant tell a witness officer that he did not want to press charges. The named officer also stated that when he asked the co-complainant if he wanted to press charges, the co-complainant said he did not. The witness officer confirmed that the complainant told him he did not want to press charges. The named officer's partner stated that no one was arrested because none of the involved parties wanted to sign a citizen's arrest form. Two witness officers stated that they did not hear the complainant or co-complainant say anything about the arrest. The nightclub security officers stated that they did not hear the complainant or co-complainant say anything about the arrest. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was pulled over for failing to stop at an intersection and then issued separate citations for the failure to stop as well as a seat belt violation. The officer stated that he believes the content of the citations are accurate to the best of his knowledge and that he recalls observing the complainant driving without his seatbelt on. The complainant's ex-girlfriend, who was a passenger in the car at the time of the incident, did not recall why the complainant was pulled over. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that the officer inaccurately described his vehicle in his citations by calling it a Honda Accord rather than a Honda Civic and by describing it as a 4-door vehicle rather than a 2-door. This error caused the complainant no harm. The named officer stated that he cannot recall whether the car had 2 or 4 doors but that the content of both citations are accurate to the best of his knowledge. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/12 **DATE OF COMPLETION:** 09/26/12 **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 in part that the officer screamed at him. The named officer stated that he was polite and professional throughout his interaction with the complainant. The complainant's ex-girlfriend, who was a passenger in the car at the time of the incident, stated that the two men were arguing with each other but that she did not believe that the officer screamed at the complainant. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #4: The officer engaged in retaliatory conduct.

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

FINDINGS OF FACT: The complainant stated that he was only cited for the seatbelt violation after engaging the officer with a question about his first citation. The officer stated that he observed the complainant driving without his seat belt on and issued a separate citation for that offense for the sake of simplicity. The complainant's ex-girlfriend stated that the complainant was not in the habit of wearing his seatbelt but that she did not know if he was wearing one on this occasion. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/12/12 **DATE OF COMPLETION:** 09/20/12 **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 officer stated he cited the complainant for running through an arterial stop sign at an intersection. The complainant denied the alleged traffic violation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer was rude, verbally abusive, intimidating, and appeared disheveled. The complainant further stated the officer threatened to have her driver's license suspended. The officer denied the allegation. The officer stated the complainant was argumentative and agitated. The officer stated he was polite and professional with the complainant. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/12 **DATE OF COMPLETION:** 09/20/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant's written complaint is unintelligible. The complainant has not responded to OCC's request for an interview. The complainant failed to provide additional information necessary for the OCC to conduct its investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/12 **DATE OF COMPLETION:** 09/17/12 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was cited for double-parking, tinted windows and for not having a front license plate. The complainant acknowledged that his vehicle had tinted windows and no front license plate. He also acknowledged stopping in the street next to the parked patrol car and refusing to move when ordered to do so. The officer's action was proper.

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

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

FINDINGS OF FACT: The complainant stated the officer has cited him numerous times for violations of the California Vehicle Code. The complainant acknowledged having tinted windows and not having a front license plate on his vehicle. The complainant could not provide the dates of these citations or copies of any citations. The officer denied issuing these citations to the complainant. There were no witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/12 **DATE OF COMPLETION:** 09/17/12 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer caused the complainant to be issued a Notice of Re-Examination.

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

FINDINGS OF FACT: The complainant stated he was issued a Notice of Re-Examination by the Department of Motor Vehicles following a traffic stop.

The officer stated that during a traffic stop, the complainant refused to provide his driver's license, refused to pull over to the side of the road, refused to roll down his window and called the officer a homophobic slur. He stated he thought the complainant might have medical or emotional problems that could affect his ability to drive and requested a Notice of Re-Examination from the Department of Motor vehicles.

Two officers who were involved in the traffic stop stated the complainant refused to obey police orders and was argumentative. Computer-Aided Dispatch records document the complainant's repeated refusals to obey police orders. The complainant acknowledged refusing to comply with police orders during a traffic stop. The officer had reasonable suspicion to suspect that the complainant had a physical or mental condition that could impair his ability to drive. The officer's conduct was proper.

SUMMARY OF ALLEGATION #4: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated the officer made an inappropriate comment. The officer denied making an inappropriate comment. There were no witnesses or other additional evidence to further prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/12 **DATE OF COMPLETION:** 09/17/12 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer has taken enforcement action against him solely because he is African American. The complainant failed to provide any evidence of any citations issued by the officer. He also acknowledged he regularly double-parks his truck in front of that address where he had previously been cited but denied living at that address. However, that address is listed as the complainant's address on his driver's license and other legal documents. The complainant stated the officer caused his niece to be served with a Thirty Day Notice to Quit for allowing the complainant to live with her at that address. The complainant stated he picks up his mail there, eats there every day and parks his cars there but does not live there. The officer was questioned relative to the OCC's biased policing protocol and denied the allegation. The officer denied taking enforcement action against the complainant solely because of his race. There is insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/23/12 **DATE OF COMPLETION:** 09/26/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately. The complainant stated that while standing on her porch, an officer in a passing police vehicle beamed/flushed a light to her face. The complainant stated it happened again moments later while she was seated in a parked car two blocks away from her apartment. No witnesses came forward. The complainant provided no other information affecting OCC's ability to try to establish the identity of the officer. The Officer Poll sent to Bayview Station came back with a negative result. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/12 **DATE OF COMPLETION:** 09/20/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was detained at gunpoint because the vehicle he was driving was still listed in the system as stolen even though it had been recovered. The traffic stop in question has not been identified or located. The identity of the alleged officers has not been established. No witnesses were provided by the complainant. There was insufficient evidence to either prove or disprove the allegation. It should be noted that during his OCC interview, the complainant stated that he feels that there is an assassination plot against him by San Francisco Police Department and law enforcement in general. Additionally, the complainant believes that his activities are being monitored by law enforcement.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/12 **DATE OF COMPLETION:** 09/17/12 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated a hotel restaurant employee taunted him. In response, the complainant grabbed the employee's tie and told the employee to back off. The complainant was detained by hotel security, who then called police. Two officers arrived and arrested the complainant for battery and public intoxication.

The hotel restaurant manager stated the complainant had been banned from the restaurant several months earlier for public intoxication. When the complainant attempted to enter the restaurant, the manager told him he needed to leave. He stated the complainant was intoxicated. The manager stated the complainant grabbed him by the necktie and spun him around. With the assistance of other hotel employees, he detained the complainant and called police. The manager signed a citizen's arrest form and told police he wanted to press charges against the complainant.

Security video obtained from the hotel shows the complainant trying to push his way past the restaurant manager. It appears that the manager is spun around.

The officers stated the complainant was placed under citizen's arrest by the hotel manager. They stated the complainant showed objective signs of intoxication and was unable to care for his own safety and the safety of others. The officers had the discretion to accept the citizen's arrest. Their actions were reasonable, proper and with Department guidelines.

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DATE OF COMPLAINT: 05/30/12 **DATE OF COMPLETION:** 09/17/12 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #3 & 4: The officers handcuffed the complainant too tightly.

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

FINDINGS OF FACT: The complainant stated his handcuffs were too tight but did not inform the officers they were too tight and did not ask the officers to loosen them.

The officers stated the complainant did complain of tight handcuffs. The handcuffs were checked for proper tightness and it was determined that they were the proper tightness.

The complainant stated he did not inform the officers that the handcuffs were too tight and did not request that the handcuffs be loosened. The officers' actions were proper.

SUMMARY OF ALLEGATIONS #5 & 6: 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 he was not questioned or interrogated. The officers stated they did not question the complainant and therefore did not Mirandize him. There is no duty to Mirandize arrestees if they are not questioned or interrogated. The officers' conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/12 **DATE OF COMPLETION:** 09/17/12 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #7 & 8: The officers failed to provide identification upon request.

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

FINDINGS OF FACT: The complainant stated while enroute to the station in the patrol car, he asked the officers for identification and one officer responded, "You'll get that."

Both officers stated they verbally provided the complainant with their identification.

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

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

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

FINDINGS OF FACT: The complainant stated that while he was in the patrol car he made a degrading comment to the officers. One officer replied, "We know who you are and we're gonna get it right this time." The complainant could not identify the officer.

Both officers denied making this comment. There were no witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/12 **DATE OF COMPLETION:** 09/12/12 **PAGE#** 1 of 1

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

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:

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DATE OF COMPLAINT: 06/04/12 **DATE OF COMPLETION:** 09/20/12 **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 that officers who detained the suspect in his beating should not have allowed the man to re-open his liquor store. The named officers denied the allegation, stating that they investigated the alleged crime and determined that there was insufficient evidence to charge the suspect, and that some of the evidence that existed was unreliable. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/15/12 **DATE OF COMPLETION:** 09/25/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/12/12 **DATE OF COMPLETION:** 09/25/12 **PAGE #1** of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/13/12 **DATE OF COMPLETION:** 09/26/12 **PAGE #**1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/14/12 **DATE OF COMPLETION:** 09/25/12 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officers removed the complainant's protest sign.

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 August 30, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/20/12 **DATE OF COMPLETION:** 09/25/12 **PAGE #1 of 2**

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

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

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

SUMMARY OF ALLEGATION #2: The officers behaved inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/20/12 **DATE OF COMPLETION:** 09/25/12 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer failed to take required action.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/12 **DATE OF COMPLETION:** 09/26/12 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/28/12 **DATE OF COMPLETION:** 09/27/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant related the following. She was riding her motorcycle when another vehicle collided with her motorcycle. The impact caused her to fall from her motorcycle onto the ground. Two men arrived at the scene and identified themselves as plain-clothes police officers. She told one of the officers at least twice another car struck her. She said there was paint transfer on her brake caliper and damage to the left side of her motorcycle to substantiate that the other vehicle struck her motorcycle. She indicated she was not in a state to drive, and her motorcycle was severely damaged. The officers left the scene without taking identifying information from the other driver involved and without preparing a report. The complainant also made ambiguous and contradictory statements as to how the other vehicle struck her motorcycle.

The officer stated he and two other plain-clothes officers saw that the complainant had fallen off her motorcycle, and they stopped to render assistance. The officer stated he asked the complainant several times if she was injured, in pain, needed an ambulance, needed her motorcycle towed, or whether she wanted to call someone to give her a ride home. The complainant responded no to all of the questions asked. The officer asked the complainant what happened. The complainant said she did not know whether another vehicle struck her; she might have "laid the bike down." The officers also attempted to develop witnesses at the busy intersection, but no one stated they saw a vehicle collision. The officers examined the motorcycle and the other vehicle, whose driver had also stopped to assist. The other driver who had stopped denied colliding with the complainant's motorcycle. The officers determined that although the motorcycle had damage consistent with it falling, there was no evidence to indicate a vehicle collision had occurred. The officer obtained identifying information from the complainant and the other driver, and queried Department database records. Through questions asked as well as their observations of the complainant, the officer, as well as the other officers present, determined the complainant was able to care for herself, and all parties left the scene. The named officer determined there was no need to call for a uniformed officer or to prepare a Traffic Collision Report, but the officer did report all of the information via the Computerized Automated Dispatch (CAD) system. The complainant later went to a police station to report that another vehicle had struck her motorcycle, and she was injured as a result. The investigating uniformed officer called for an ambulance, but the complainant refused further medical attention. The uniformed officer then prepared a Traffic Collision Report based on the complainant's statements and information from the officer who arrived shortly after the incident occurred. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/12 **DATE OF COMPLETION:** 09/27/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant said the named officer lied about certain statements she read in the Traffic Collision Report prepared by another officer. She said she told the named officer what occurred, whereas the named officer stated the complainant could not tell him what occurred. She stated she told the named officer, at least twice, that the other vehicle struck her motorcycle. She also said there was paint transfer on her brake caliper and damage to the left side of her motorcycle to substantiate that the other vehicle struck her motorcycle; therefore, the officer should have prepared a report. The officer denied misrepresenting the statements made by the complainant. The officer, as well as other plain-clothes officers who accompanied the named officer, attempted to develop witnesses at the scene of this incident, which was a busy intersection. No one stated they saw a vehicle collision. The officers examined the motorcycle and the other vehicle, whose driver had also stopped to assist. The officers determined that although the motorcycle had damage consistent with it falling, there was no evidence to indicate a vehicle collision had occurred. The complainant later went to a police station and reported the incident to a uniformed officer who called for an ambulance and prepared a Traffic Collision Report. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/12 **DATE OF COMPLETION:** 09/27/12 **PAGE #1** of 2

SUMMARY OF ALLEGATIONS #1 & 2: The officers displayed inappropriate behavior and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant said one of the officers, after stopping her while the complainant was driving her car, rudely asked for her driver's license without explaining the reason for stopping her. The complainant later learned she was being issued a citation for not wearing her seat belt. The complainant said the officer ignored her while she was explaining the reason for not wearing a seat belt. She explained that removing her seat belt facilitated parking her car. The complainant continued protesting her being issued a citation, and placed a 911 emergency telephone call to the Department of Emergency Management claiming that the officer was abusing her. The officer's partner came to the passenger-side window of the complainant's automobile. The assisting officer allegedly asked the complainant, "What is your problem? Are you always this belligerent?" The officers denied acting rudely or making inappropriate remarks to the complainant. The officer who issued the citation said he explained the purpose of the stop to the complainant and answered her questions. This officer said the complainant was continuously yelling at and criticizing him for his priorities. The officers described the complainant as extremely argumentative, difficult, uncooperative and non-compliant. 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 #3: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant protested being issued a citation, but acknowledged she was not wearing a seatbelt while she was parking her car. The officer said he saw the complainant driving down the street without wearing her seatbelt. The officer followed the complainant, stopped her and issued a citation to her. Section 27315 (d) (1) of the California Vehicle Code does not list parking a vehicle as an exception to the law requiring that a seat belt be worn while operating a motor vehicle. 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
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DATE OF COMPLAINT: 07/11/12 **DATE OF COMPLETION:** 09/27/12 **PAGE #2** of 2

SUMMARY OF ALLEGATION #4: The officer failed to follow Department policy regarding vehicle operation.

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

FINDINGS OF FACT: The complainant accused the officer of illegally parking the patrol car in front of a fire hydrant. The front part of the patrol car extended into the pedestrian crosswalk. The complainant also said she saw two officers returning from a nearby coffee shop. Both officers were carrying a cup of coffee in their hands, and the officers were walking towards the patrol car. The officer stated he and his partner had been on an enforcement operation, which, as a matter of expediency, allowed him to park the patrol car in a No Parking zone. The officer also stated there were no available legal parking spaces in the immediate area. After completing their enforcement operation, the officer stated he and his partner stopped at a nearby coffee shop to purchase some coffee. 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: 07/19/12 **DATE OF COMPLETION:** 09/27/12 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The officers stated the complainant was detained to conduct a probation search. The complainant stated, and court records confirmed, he was on active felony probation with a search condition. The officers' conduct was proper.

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

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

FINDINGS OF FACT: The complainant was detained to conduct a probation search. The complainant stated, and court records confirmed, he was on probation with a search condition. The complainant stated he panicked and fled. After the complainant was arrested, a probation search was conducted of the complainant's vehicle. The officers' conduct was proper.

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DATE OF COMPLAINT: 07/19/12 **DATE OF COMPLETION:** 09/27/12 **PAGE#** 2 of 5

SUMMARY OF ALLEGATIONS #5-6: The officers failed to return the complainant's property.

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

FINDINGS OF FACT: The complainant stated he was on probation for felony drug offenses. He acknowledged fleeing from police when he was detained for a probation search. He stated \$2,000 fell from his waistband while he was hiding next to a parked car. He stated the money was not returned to him and the officers told him he had abandoned the money. They did not tell him it was seized as possible "drug money," i.e., earnings from the sale of drugs. Neither the complainant nor his wife provided any evidence that the money was obtained through legal means. The named officers, as well as the officers who initially located the complainant, stated the money was located under the vehicle's tire and was seized as "drug money." In their recorded interview of the complainant, the officers told the complainant that if he could prove the money belonged to him, it would be returned. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS #7-12: The officers failed to comply with knock/notice requirements.

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

FINDINGS OF FACT: The complainant's house keys were seized during his detention for a probation search. The complainant's wife stated she was home at the time but did not hear a knock on the door before the officers entered her home with a key. The officers went to the complainant's home to conduct a probation search. In their OCC interviews, each of the officers stated that an officer knocked on the door and announced that the police were present. No one answered the door. The officers stated they waited a "reasonable" amount of time before the complainant's key was used to enter the home. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 07/19/12 **DATE OF COMPLETION:** 09/27/12 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #13: The officer failed to provide identification upon request.

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

FINDINGS OF FACT: The complainant's wife stated she asked the officer for the identification of the officers at her home and the officer told her, "It will be in the report."
The officer stated he provided the complainant's wife with his identification, as did other officers who were asked. Two other officers also stated they provided their star numbers upon request. A third officer stated he was not asked for his star number. A fourth officer did not recall being asked for his star number. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #14-16: The officers made inappropriate comments and/or behaved inappropriately.

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

FINDINGS OF FACT: The complainant's wife stated the officers made inappropriate comments to her and her children during a probation search of her home. The officers denied the allegations. Five other officers at the scene stated they did not hear these officers make any inappropriate comments or act in an inappropriate manner. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 07/19/12 **DATE OF COMPLETION:** 09/27/12 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #17: The officer used profanity.

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

FINDINGS OF FACT: The complainant's wife stated the officer used profanity. The officer denied the allegation. Five other officers at the scene stated they did not hear the officer use profanity. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #18-20: The officers exceeded the scope of a probation search.

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

FINDINGS OF FACT: The complainant's wife stated the officers searched her bedroom, which she did share with the complainant, who was on probation. She stated the officers seized the complainant's mail from her bedroom. She also stated there was male clothing in her bedroom but it did not belong to the complainant. The officers stated they searched the master bedroom they believed was shared by the complainant and his wife. They stated both male and female clothing was found in the room, as well as pieces of indicia belonging to the complainant. Copies of the seized mail belonging to the complainant were attached to the incident report. The complainant acknowledged that the complainant's mail was in her bedroom. The officers were conducting a probation search of the complainant and were justified in searching a room that had indicia belonging to him. Their conduct was proper.

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DATE OF COMPLAINT: 07/19/12 **DATE OF COMPLETION:** 09/27/12 **PAGE#** 5 of 5

SUMMARY OF ALLEGATIONS #21-22: The officer used unnecessary force on the complainant's wife.

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

FINDINGS OF FACT: The complainant's wife stated that during a search of her home, one of the named officers carried a dining room chair up to the her bedroom to access a closet crawl space. The complainant stated she grabbed the chair away from the officer and told him not to step on her furniture. This officer and another officer grabbed her and slammed her against a wall. One officer twisted her right arm up behind her back. She was handcuffed and seated on the stairs. She stated she did not complain of pain and did not ask for medical attention. She stated the next morning she woke up with pain in her neck and shoulder and went to the hospital. She stated she was diagnosed with a rotator cuff injury.

According to her medical records, the complainant's wife reported having pain in right shoulder one day after an "altercation with the SFPD" during which her arm was twisted around to her back. She was diagnosed with a rotator cuff strain.

One officer stated that as he walked up the stairs with a chair, the complainant's wife grabbed his arm and tried to grab the chair away from him. The officer handcuffed the complainant's wife. He denied slamming the complainant against a wall or using any force or physical controls. He denied pulling her arm up behind her back. This officer did not recall whether a second officer had any physical contact with her.

The second officer stated the first officer was walking upstairs holding a chair when the complainant's wife lunged at, and made physical contact with, the first officer. The second officer stated he grabbed one of her arms and the first officer grabbed her other arm. The second officer stated the complainant's wife did not resist being handcuffed. She was placed next to a wall - not pushed into a wall. This officer stated the woman's hands never left the small of her back. Both officers stated the complainant's wife never complained of pain and never asked for medical assistance. Four other officers at the scene each stated that they did not see or hear this encounter.

The complainant's wife stated she was in the process of moving at the time of her injury. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 07/11/12 **DATE OF COMPLETION:** 09/25/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant described purchasing a six-pack of an alcoholic beverage and going to a public park, with an unidentified homeless person, in order to drink the alcohol free from police intervention. The complainant said his acquaintance did not get a chance to drink the alcohol before the officer arrived. The complainant said the officer showed up and issued a citation to him for drinking in public, but the officer did not issue a citation to his unidentified, homeless male acquaintance. The complainant did not contest the officer issuing the citation to him (the complainant). He complained about the officer not issuing a citation to his homeless acquaintance. The officer stated he was patrolling an area experiencing persistent problems. Residents made frequent complaints to the police about people drinking in and trashing the park. The officer saw the complainant drinking alcohol in the park, and the officer stopped to investigate. The officer saw another person with the complainant, but this person was not drinking anything. The officer detained the complainant, who told him he had purchased the alcohol and had come to the park to drink it. The officer issued a citation to the complainant. The officer stated he did not issue a citation to the complainant's acquaintance because he did not see this person drink any alcohol. It is disputed that both the complainant and his acquaintance were drinking beer. There were no witnesses to the interaction. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/12 **DATE OF COMPLETION:** 09/25/12 **PAGE #1 of 2**

SUMMARY OF ALLEGATION #1: The officer pat searched 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 September 7, 2012.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 7, 2012.

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DATE OF COMPLAINT: 07/31/12 **DATE OF COMPLETION:** 09/25/12 **PAGE #2 of 2**

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

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 September 7, 2012.

SUMMARY OF ALLEGATIONS #5-6: The officers harassed the complainant.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 7, 2012.

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DATE OF COMPLAINT: 08/07/12 **DATE OF COMPLETION:** 09/17/12 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 08/12/12 **DATE OF COMPLETION:** 09/27/12 **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 she was detained without justification for PC 647f, drunk in public. The complainant was at a hotel and admitted she had been drinking. Officers responded to a call of a fight in the complainant's room. Witnesses stated the complainant sounded intoxicated, heard crashing in the complainant's hotel room, a place of public accommodation. Witnesses heard the complainant shouting, one witness stated he heard someone in her room possibly falling, and the complainant slurring her speech. The evidence proved that the acts, which provide the basis for the allegations, occurred, however, the acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-6: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the officers failed to properly investigate. Officers responded to a call about a fight in the complainant's hotel room. In the incident, the complainant stayed in her room and admitted she had been drinking. She denied being in need of a well-being check and denied a security guard or any officer entered her room. She demanded a blood alcohol content (BAC) examination and stated the officers refused to administer one. It is not the policy of the San Francisco Police Department to administer a BAC test to an individual who is not suspected of drinking and driving. Witnesses observed a security guard and officers responding to the complainant's room, Witnesses observed a security guard and officers enter the complainant's room following the 911 call. They saw the officers attempt to speak to the complainant, check on her wellbeing and call medics to the scene to ensure her medical state. The evidence proved that the acts, which provide the basis for the allegations, occurred, however, the acts were justified, lawful and proper.

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DATE OF COMPLAINT: 08/12/12 **DATE OF COMPLETION:** 09/27/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated officers improperly disposed of her vodka and wrongfully sent her dog to Animal Care and Control (ACC) while she was detained in County Jail for public intoxication PC 647f. The officers denied the allegation. The witnesses observed the empty vodka bottle in the complainant's room after the complainant was detained during the inventory process. The complainant admitted she had been drinking. Her statement to the OCC regarding her version of what occurred lacked credibility with regard to the entire circumstances of the incident. They were required to send her dog to ACC because it would have been inhumane to leave the complainant's dog alone in her room while she was detained at County Jail. The evidence proved that the acts, which provide the basis for the allegations, occurred, however, the acts were justified, lawful and proper.

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DATE OF COMPLAINT: 08/24/12 **DATE OF COMPLETION:** 09/25/12 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to promptly respond to the scene.

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

FINDINGS OF FACT: The complainant stated that she was home alone when she heard several gunshots. The complainant immediately called 911. The complainant alleged, in part, that the police never responded to the scene. According to the Event History Detail, numerous officers were already on scene when the complainant called 911 to report what she had heard. Several 911 calls were received prior to the complainant's call, reporting shots fired in the neighborhood where the complainant lives. Additionally, the incident in question was documented in an incident report. The evidence shows that the San Francisco Police Department (SFPD) promptly responded to the scene. The evidence proved that the act alleged in the complaint did not occur, or that the San Francisco Police Department was not involved in the act alleged.

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

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

FINDINGS OF FACT: This allegation raises matters outside OCC's jurisdiction. A copy of this complaint has been forwarded to:

Department of Emergency Management
Dispatch Supervisor
1011 Turk Street
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/12 **DATE OF COMPLETION:** 09/17/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated her son, a juvenile probationer, escaped from a group home, and according to the probation officer there is an outstanding warrant for his arrest. The complainant stated her son did not live with her and the officer led an entry into her residence without a search warrant or the presence of a probation officer. Based on the complainant's statements, the officer's actions were lawful, justified and proper.

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

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

FINDINGS OF FACT: The complainant stated her son, a juvenile probationer, escaped from a group home, and according to the probation officer there is an outstanding warrant for his arrest. The complainant stated her son did not live with her and the officer led a search of her residence without a search warrant or the presence of a probation officer. Based on the complainant's statements, the officer's actions were lawful, justified and proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/31/12 **DATE OF COMPLETION:** 09/04/12 **PAGE #1** of 1

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

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

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

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DATE OF COMPLAINT: 09/04/12 **DATE OF COMPLETION:** 09/07/12 **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. The complaint has been referred to:

SFMTA/Department of Parking & Traffic Enforcement
Officer In Charge
11 So. Van Ness Avenue – 7th Floor
San Francisco, CA 94103
(415) 701-5400

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

SUMMARY OF ALLEGATION #1: The officer exhibited an intimidating manner.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he detained the complainant for delaying and obstructing an investigation. One witness officer was not present at the detention. One witness officer said he did not know why the complainant was detained. Two civilian witnesses said they heard the complainant and an officer on horseback arguing about the complainant's detention and the officer's order to produce ID, but neither witness heard specifically what was said. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation. Two witness officers did not see the detention alleged to be interference. Two civilian witnesses who saw the contact did not hear everything said by the complainant and the officer. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant claimed the officer used a horse to intimidate him. The named officer and two witness officers denied the allegation. One witness did not see how close the horse got to the complainant. One civilian witness said she saw the horse twitch “like they will do,” as it was standing before the complainant, possibly touching the complainant on his shoulder, but said she did not see the officer use the horse to move the complainant. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The named officer denied the allegation. Two witness officers denied hearing the officer use profanity. Two civilian witnesses denied hearing the named officer use profanity, but acknowledged they did not hear the entire verbal exchange between the officer and the complainant. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation. Two witness officers denied hearing the alleged profanity. Two other witnesses who heard parts of the exchange of words between the officer and the complainant did not hear the profanity. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officer's behavior and comments were threatening and inappropriate.

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

FINDINGS OF FACT: The complainant stated the officers threatened a detainee and acted inappropriately during a detention. The officers denied the allegation. There were no independent witnesses to this incident.

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

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

FINDINGS OF FACT: The complainant stated the officers used excessive force by hitting the detainee on the head. The officers denied the allegation. There were no independent witnesses to this incident.

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DATE OF COMPLAINT: 10/17/11 **DATE OF COMPLETION:** 09/26/12 **PAGE #** 1 of 2

SUMMARY OF ALLEGATION #1: SFPD arrested individuals without cause.

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

FINDINGS OF FACT: The evidence established that SFPD gave sufficient advance notice to S.F. occupiers that they were in violation of several municipal park codes and that the park would close at the curfew hour. In addition, SFPD had received complaints from the community and city departments of numerous violations being observed. However, S.F. occupiers refused to comply. S.F.P.D. command staff directed officers to enforce the law and to take down the illegal structures. The S.F.P.D. officers performed their duty by removing the illegal structures from the park and placed them into trucks belonging to Department of Public Works. The S.F.P.D. occupiers took to the streets and blocked the path of the DPW trucks. S.F.P.D. officers responded by forming a skirmish line and told the group to move back onto the sidewalk. The occupiers refused to move from the street and five individuals were arrested. Four of the arrestees were charged for resisting and delaying officers and for pedestrians blocking the roadway. One arrestee was charged for battery on an officer and resisting and delaying an officer.

SFPD event histories, news articles, video footage and a video interview of an arrestee posted in YouTube corroborated the occupiers were properly notified by the Department, refused to comply and attempted to stop the actions and direction of the police. 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: SFPD seized personal property without justification.

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

FINDINGS OF FACT: The evidence established that SFPD gave sufficient advance notice to occupiers to remove their illegal structures from the park, which violated the municipal park codes. The Department had received complaints from the community and city departments of numerous violations being observed. However, S.F. Occupiers refused to comply. SFPD officers were directed by command staff to enforce the law and remove the illegal structures, which were out of compliance with the law. The officers performed their duties by seizing the property. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 10/17/11 **DATE OF COMPLETION:** 09/26/12 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #3: SFPD issued an invalid order.

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

FINDINGS OF FACT: SFPD gave S.F. occupiers advanced written and verbal notices throughout the day and evening that their encampments were in violation of several municipal park codes. SFPD handed out copies of the municipal park codes relevant to the issues. The occupiers were given ample time to comply and remove their structures. However, the occupiers refused to comply. Video footage on You Tube corroborates the orders were announced and understood by the occupiers. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #4: SFPD used force during the protest and arrest.

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

FINDINGS OF FACT: As municipal city trucks attempted to leave the park with the seized property, the S.F. occupiers entered the street and blocked the lanes of traffic. SFPD officers formed a skirmish line and told the crowd to move back on the sidewalk. The crowd refused to comply and some occupiers threw themselves under the tires of the truck to stop their movement. SFPD officers had to physically move, push and drag individuals to safety and out of the traffic lane. There were no complaints of pain or reports of injuries. SFPD officers properly documented the use of force, as required. Video footage in You Tube corroborated the crowd became defiant and blocked the lanes of movement of the DPW trucks in the roadway. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/17/11 **DATE OF COMPLETION:** 09/20/12 **PAGE # 1 of 4**

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer acknowledged he made a comment about the complainant's behavior in an attempt to deescalate the complainant and calm her young child who suffers from a neural disorder. The officer stated he has knowledge and wisdom in dealing with children who suffer from the neural disorder and sympathized with the complainant. He advised the complainant that her behavior was contributing to her child's agitation. The complainant stated she did resist an officer during the incident. The co-complainant stated he heard the complainant screaming in the house. The named and witness officers corroborated the complainant was yelling and screaming in a loud manner. The officer's statement did not rise to the level of misconduct towards the complainant, but rather an educational advisement. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated the complainant was the only person who used profanity during his initial contact with her at the door. The witness officers stated they did not hear the named officer use profanity. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer entered a residence without cause.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he was the lead officer who researched and collected sufficient data, which gave him reasonable suspicion to conduct a probation search at the co-complainant's residence. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer directed the search [protective sweep] of a residence without cause.

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

FINDINGS OF FACT: The officer denied the allegation. The officer said a protective sweep was conducted rather than a probation search, due to the volatile incident that developed. There is insufficient evidence to either prove or disprove the allegation

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DATE OF COMPLAINT: 10/17/11 **DATE OF COMPLETION:** 09/20/12 **PAGE # 3 of 4**

SUMMARY OF ALLEGATIONS #5-8: The officers arrested the complainants without cause.

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

FINDINGS OF FACT: In regards to the arrest of the complainant, the officers stated the complainant attempted to grab an officer to stop him from proceeding up the staircase to conduct a search of the residence. The officers stated the complainant subsequently struck and pushed another officer in the shoulder and chest. The complainant acknowledged she resisted officers from pulling her down the stairs. In regards to the arrest of the co-complainant, the officers denied the allegation. The officers stated the co-complainant failed to comply with their commands by rushing pass one officer then lunging and striking a second officer resulting in a violent confrontation. The co-complainant stated he only resisted the officers when breaking away from an officer with a baton.

Regardless of the legality of an officer's entry in a residence, resisting or delaying an officer is a violation of the Penal Code. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #9: The officer used excessive force during an arrest.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated the force used with his baton was appropriate and necessitated by the co-complainants' violent actions against him. The officer stated the co-complainant would not comply with his verbal commands and fought to prevent being taken to the ground. The officer stated the co-complainant initially struck him with a violent blow to his chest, which the co-complainant followed with a head-butt assault. The officer stated the co-complainant delivered blows to his face with either an elbow or forearm, forcing him to retreat and move backwards. The complainant stated he was able to grab the co-complainant to attempt a takedown, but the co-complainant rocked and twisted the officer from side to side then threw him into the wall. The officer stated he was able to draw his baton while telling the co-complainant he was under arrest and struck the co-complainant around ten times in the lower leg area.

The initial witness officer stated the co-complainant was very irate and agitated when he made contact with him at the back door and told him to stay back during the probation search. The witness stated suddenly, the co-complainant rushed past him to the kitchen area and got into a physical altercation with the named officer. The other witness officer corroborated he assisted the named officer by pulling the co-complainant to the ground and off of the named officer. The witness officer stated the co-complainant would not comply after numerous commands to stop resisting and roll over for handcuffs. The witness officer stated he saw the named officer strike the co-complainant two times on his lower leg. The witness stated the co-complainant rolled over and he was handcuffed. The co-complainant stated he only resisted the officers when breaking away from the named officer with the baton. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/21/11 **DATE OF COMPLETION:** 09/10/12 **PAGE #1** of 4

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

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments and engaged in inappropriate behavior during a traffic stop. The complainant's mother, who is a non-English speaker, corroborated some of the complainant's descriptions of the officer's behavior. The officer denied the allegation. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that during a traffic stop, the officer requested her proof of insurance. She attempted to hand him a folder containing her registration and proof of insurance, but he refused to take it and made a motion with his hand as if brushing it aside. The officer then cited her for not having proof of insurance although she had such proof inside the folder. The complainant's mother, who was a passenger in the car, stated that the complainant held an item with documents inside out to the officer, who brushed it aside, causing it to fall to the floor of the car. The named officer stated that the complainant could not locate her proof of insurance. He confirmed that the complainant showed him a folder with paperwork inside it but stated that he did not touch or search inside the folder because he is not responsible for searching for a proof of insurance form. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/21/11 **DATE OF COMPLETION:** 09/10/12 **PAGE #2 of 4**

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

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

FINDINGS OF FACT: The complainant stated that the officer cited her without cause for failing to stop at a stop sign and for not having proof of insurance. The complainant stated that she stopped for the stop sign and had proof of insurance inside a folder, which the officer refused to look inside. The complainant's mother, who was a passenger in the car, stated that the complainant stopped for the stop sign to let pedestrians pass and that the complainant held an item with documents inside it out to the officer, who brushed it aside causing it to fall to the floor of the car. The named officer stated that he cited the complainant because he saw her enter an intersection without stopping for a stop sign, almost colliding with another vehicle, and because she failed to provide him with proof of insurance. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the officer misrepresented the truth when he testified in traffic court. The officer denied the allegation. Because there is insufficient evidence to prove or disprove whether the complainant committed the traffic violation she was cited for, there is insufficient evidence to prove or disprove this allegation.

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DATE OF COMPLAINT: 10/21/11 **DATE OF COMPLETION:** 09/10/12 **PAGE #3** of 4

SUMMARY OF ALLEGATION #5: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer stopped and cited her for a failing to stop at a stop sign. The complainant, who maintained that she had stopped for the stop sign, contested the citation in court. When she was convicted, she filed an appeal and also filed a complaint with the OCC. The complainant stated that the officer requested that the Department of Motor Vehicles re-examine her fitness as a driver in order to harass her. The named officer stated that when she testified at her Traffic Court hearing, the complainant had no recollection of failing to stop at the stop sign, which raised his concerns about her fitness as a driver. The named officer also stated that the filing of the OCC complaint against him buttressed his concern about the complainant's fitness and that he was upset when he received the complaint. The evidence established that the named officer requested that DMV re-examine the complainant over nine months after the date of the violation, three weeks after the Traffic Court hearing, two days after the complainant appealed the Traffic Court conviction and the day after learning the complainant had filed an OCC complaint against him. The evidence also established that the officer misused DMV procedures for requesting a re-examination of a driver. Relevant law requires that such requests be filed within a day of the violation and that they be based on evidence of the driver's incapacity to operate a motor vehicle. The complainant's behavior described by the named officer did not constitute such incapacity. The timing of the request for driver re-examination and the officer's attitude indicated that the request for re-examination of driver constituted an act of harassment towards the complainant. 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.

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DATE OF COMPLAINT: 10/21/11 **DATE OF COMPLETION:** 09/10/12 **PAGE #4** of 4

SUMMARY OF ALLEGATION #6: The officer misused police authority.

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

FINDINGS OF FACT: The complainant stated that the officer stopped and cited her for a failing to stop at a stop sign. The complainant, who maintained that she had stopped for the stop sign, contested the citation in court. When she was convicted, she filed an appeal and also filed a complaint with the OCC. The complainant stated that the officer requested that the Department of Motor Vehicles re-examine her fitness as a driver in order to harass her. The named officer stated that when she testified at her Traffic Court hearing, the complainant had no recollection of failing to stop at the stop sign, which raised his concerns about her fitness as a driver. The named officer also stated that the filing of the OCC complaint against him buttressed his concern about the complainant's fitness and that he was upset when he received the complaint. The evidence established that the named officer requested that DMV re-examine the complainant over nine months after the date of the violation, three weeks after the Traffic Court hearing, two days after the complainant appealed the Traffic Court conviction and the day after learning the complainant had filed an OCC complaint against him. The evidence also established that the officer misused DMV procedures for requesting a re-examination of a driver. Relevant law requires that such requests be filed within a day of the violation and that they be based on evidence of the driver's incapacity to operate a motor vehicle. The complainant's behavior described by the named officer did not constitute such incapacity. The timing of the request for driver re-examination and the officer's attitude indicated that the request for re-examination of driver constituted a misuse of police authority. 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 #7: The officer failed to comply with California Department of Motor Vehicles regulations and procedures.

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

FINDINGS OF FACT: The evidence established that the officer failed to submit a request for re-examination of driver within the timeframe specified by state law, that his request was based upon inappropriate criteria and that he completed the request for re-examination form incorrectly. 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.

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DATE OF COMPLAINT: 11/02/11 **DATE OF COMPLETION:** 09/25/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer is no longer available and subject to Department discipline. The officer has retired from the department.

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

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

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

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DATE OF COMPLAINT: 11/14/11 **DATE OF COMPLETION:** 09/25/12 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer sped through the Panhandle in Golden Gate Park at a high rate of speed, endangering pedestrians. The named officer denied the allegation. He stated that he used his lights and sirens and did not endanger any pedestrians. A witness officer also denied the allegation, stating that the named officer used due caution while driving because of the pedestrians in the park. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer was condescending and disrespectful when confronted about speeding through the park. The named officer and a witness officer both denied the allegation. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/14/11 **DATE OF COMPLETION:** 09/25/12 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that she witnessed officers poke their fingers into a suspect's eyes while trying to restrain him. Three officers present at the scene denied using force on the suspect and also denied seeing any other officer use force on the suspect. The suspect was unresponsive to the Office of Citizen Complaints requests for an interview. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/23/11 **DATE OF COMPLETION:** 09/17/12 **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 the officer issued a citation to a taxi driver for failing to stop at a stop sign. The complainant stated that he did not observe the driver commit any traffic violations, but admitted that he wasn't paying close attention. A witness stated that she did not specifically recall if the driver stopped as required. The taxi driver stated that he stopped at the stop sign. The officer denied the allegation, stating that he observed the driver go through a stop sign without slowing or stopping. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer yelled at and was hostile towards a taxi driver. A witness described the officer as "talking very loudly" and "talking very rude". A second witness said the officer yelled at the driver about how dangerous his driving was. The officer denied the allegation, stating that he is hearing impaired and was speaking loudly because the battery in his hearing aid had died. He denied being hostile or rude, stating that he was respectful throughout the interaction. The complainant and two witnesses perceived the officer's demeanor as rude, unaware that the officer is hearing impaired and did not have a working hearing aid at the time. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/30/11 **DATE OF COMPLETION:** 09/04/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer had no reason to detain him. He stated he was wearing his seatbelt, the officer could not have observed him from where she said she did and that his daughter did not need to be riding in a child seat. The named officer denied the allegation, stating that she saw a child who appeared to be too small to ride without a child seat, and saw the complainant driving with no seat belt. The complainant, in a video he submitted, made a comment during the incident that indicated the officer may have seen him moving his seatbelt. No other witness came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant claimed the officer pulled him over because he was black. The officer denied the allegation. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/30/11 **DATE OF COMPLETION:** 09/04/12 **PAGE#** 2 of 2

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/06/11 **DATE OF COMPLETION:** 09/28/12 **PAGE #1** of 5

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

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

FINDINGS OF FACT: A tenant reported the complainant had exhibited a knife and threatened to cut him up during a verbal argument. The officer responded alone to the call and was given the name of the complainant in the lobby as the suspect who was aggressive and threatening, fighting management, and harassing tenants in the building. The officer stated he detained the complainant on the third floor after the complainant admitted he was the person whose name was given to him in the lobby. The officer explained that he did not discover the complainant's self-defense alibi until after he interviewed the reportee, who admitted he challenged the complainant to fight before the complainant exhibited his knife in self-defense at his room. The preponderance of the evidence established that the officer's actions were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said the officer pushed him to the ground onto his knees re-injuring his knee, and slammed his face against a wall, breaking an upper tooth from his denture. The complainant also stated the officer also struck him in the head with a loaf of soft bread. The officer denied the allegation. There were no witnesses on scene that could verify or deny the allegation. Medical records indicate the complainant was treated for a knee and shoulder injuries prior to the incident. There was no evidence to support the cause of a broken denture tooth at the hands of the officer. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/06/11 **DATE OF COMPLETION:** 09/28/12 **PAGE #2 of 5**

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

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer used profane and uncivil language toward the complainant during his detention in physical restrains.

SUMMARY OF ALLEGATION #4: The officer conducted an inappropriate search of the complainant.

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

FINDINGS OF FACT: The complainant stated the officer inappropriately touched his buttocks and crotch area during his cursory search for a knife. The complainant was reported to the police as a suspect threatening to cut up another tenant in his building with a knife. The officer denied the allegation. There were no witnesses to this allegation so there is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/06/11 **DATE OF COMPLETION:** 09/28/12 **PAGE #3 of 5**

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

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

FINDINGS OF FACT: The complainant stated the officer failed to provide his name and star number upon request. The officer denied the allegation and stated he provided both pieces of information requested. There were no witnesses on scene at the time so there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated the officer searched his residence without cause or consent. The officer stated that he was dispatched to a call of a tenant with a knife threatening to cut up another tenant. The officer detained the complainant on a hallway and could not locate the knife on the complainant during a cursory search. A witness on scene heard the complainant give the officer permission to search his room before the search was conducted. The officer stated he directed a subordinate officer under exigent circumstances to search for a possible injured civilian inside the complainant's room as well as for the outstanding knife. The preponderance of the evidence established that the officer's actions were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #7: The officer used profane language.

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

FINDINGS OF FACT: The complainant said one of the back up officers confronted and questioned him about the knife using profane language. The officer and two other dependent witnesses on scene denied the allegation. Another witness on scene could not verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer slammed and broke his cellular telephone. The officer denied the allegation. Other witnesses previously on scene were not present at the time of the alleged behavior so there is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/06/11 **DATE OF COMPLETION:** 09/28/12 **PAGE #5** of 5

OCC ADDED ALLEGATION:

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

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer failed to issue the complainant, who was detained in physical restrains for approximately fifteen minutes, a Certificate of Release as required by DGO 5.03.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officers made rude and insensitive comments while seated in their patrol vehicle. The officers denied the allegation. One officer recalled no contact or conversation with the complainant from their patrol vehicle. The complainant failed to identify any witness on scene who could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #3: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officers had a duty to remove mourning bands from their stars in order to reveal the star numbers. The officer had authorization from his superiors to wear a mourning band across his star to show respect for an officer who lost his life in the line of duty and the officer stated his name and star number several times to the complainant as he took a video recording. The officer's actions were lawful, justified and proper.

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

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

FINDINGS OF FACT: The complainant objected to the officer video recording him on his smart phone. The officer had lawful reasons to activate the camera on his cellular telephone to capture a possible crime by the complainant during a demonstration in which the complainant appeared to be inciting the crowd while calling out an officer's name. The complainant has a documented history of threats and violence toward police officers. The officer's actions were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer responded after being notified by a customer that the complainant was causing problems inside the McDonald's Restaurant. The officer said she spoke to employees who reported that the complainant was drinking alcohol and causing problems and they wanted her out of the restaurant. The detaining officer and two back-up officers all reported that the complainant was displaying objective signs of alcohol intoxication and that she was unable to care for herself. The complainant denied being under the influence of alcohol or causing problems inside the restaurant. The complainant was taken to the County Jail. Jail Medical Records document that the complainant was to be released when sober. San Francisco General Hospital PES patient care records document that the complainant was brought into PES by the San Francisco Sheriff's Department and that the complainant was highly agitated. Based on its totality, 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 used unnecessary force.

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

FINDINGS OF FACT: The complainant said the officer pushed her onto the floor. The officer denied committing the alleged act. The complainant said although she suffered from buttock pain caused when she hit the floor she did not report the pain. None of the evidence documents any complaint of pain or injury including the CAD, Incident Report, back-up officers or medical reports from the jail or San Francisco General Hospital. There were no identified witnesses at the scene of the arrest. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

FINDINGS OF FACT: The complainant stated the officers arrested him without justification. The officers had statements from a citizen stating that the complainant had made criminal threats toward them. There were no independent witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3 & 4: The officers failed to take the required action.

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

FINDINGS OF FACT: The complainant stated the officers did not interview all parties involved in the incident. The officers did not interview all the parties on scene, but did conduct all interviews at a later time and stated the statements given in the interviews would not have changed the outcome of the incident. There were no independent witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant and his witness stated the officer was rude, aloof, and unprofessional. The officer denied the allegation. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #6 & 7: The officers practiced biased policing due to race.

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

FINDINGS OF FACT: The complainant and his witness felt he was arrested due to his ethnic background and the fact that he is in an interracial relationship. The officers were questioned relative to the OCC's biased policing protocol and denied the allegation. There were no independent witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #8 & 9: The officers failed to summons a supervisor when requested.

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

FINDINGS OF FACT: The complainant stated he requested a supervisor to come to the scene and the officers refused to contact one. The officers stated they contacted a supervisor and the supervisor they contacted was interviewed and confirmed that he was contacted by one of the arresting officers on the date of the incident. The supervisor could not remember which officer, or the details of the call other than to approve the charges of the arrest. There is no requirement in department general orders that would require an officer to summon a supervising officer in these types of investigations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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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 he received a delinquent notice from the San Francisco Municipal Transportation Agency (SFMTA) regarding an unpaid parking violation. Although the complainant could not specifically recall being issued the double-parking citation, he believes that the citation was issued without cause. The officer could not specifically recall issuing the citation but admitted issuing the citation in question. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he received a delinquent notice from the San Francisco Municipal Transportation Agency (SFMTA) regarding an unpaid parking violation. Although the complainant could not specifically recall being issued the double-parking citation, he believes that the citation was issued without cause. Additionally, the complainant believes that the issuance of the citation was racially motivated. The officer could not specifically recall issuing the citation but admitted issuing the citation in question. The officer was questioned relative to the OCC's biased policing protocol and denied that the issuance of the citation was racially motivated. The officer noted that a parking citation is often issued to an unoccupied vehicle. The driver does not have to be present for an officer to issue a parking citation. No witnesses were identified. The officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/15/11 **DATE OF COMPLETION:** 09/26/12 **PAGE #** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated the incident made him excitable and he did not immediately listen or obey the police officer's directives. The complainant stated he drank one beer that morning.

The officer arrived at the scene of a hit and run traffic accident to find a vehicle had struck a house, a gas line and a parked vehicle. The hit and run vehicle had an open container of beer on the front passenger seat. The officer stated the complainant arrived at the scene approximately ten minutes later in an intoxicated state alleging he was the owner of the hit and run vehicle, which had been stolen while he was in a store. The officer stated he smelled an odor of an alcoholic beverage on the complainant's person and his mannerisms were indicative of being under the influence. During the investigation, the officer stated the complainant repeatedly tried to get into the car and failed to follow his orders. The officer stated he placed the complainant under arrest as a suspect for the hit and run incident and for public intoxication.

The witness officer and sergeant corroborated the complainant was intoxicated and would not listen to the named officer's requests during the investigation. The witness stated he remembered the complainant was "out of his mind" and stumbled up the street stating the car belonged to him. The witness further stated the complainant looked a little crazy and might have been intoxicated in some way, so he kept his distance due to his crazy behavior. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #2 & 3: The officers used unnecessary force with tight handcuffs.

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

FINDINGS OF FACT: The complainant stated the officers would not loosen the handcuffs upon his request.

The officers denied the allegation. The named officer stated he had the complainant step out of the patrol car and found the handcuffs to be the proper degree of tightness. The officer stated the complainant continued to complain about the handcuffs, so he readjusted the handcuffs to make them comfortable for the complainant. The named sergeant stated he is a certified POST instructor and was the lead instructor at the Department's academy on prisoner transportation. The sergeant stated they removed the complainant from the patrol car and checked the degree of tightness and the double lock feature. The sergeant stated the handcuffs were fully appropriate.

The witness officer stated the named officers took the complainant out of the patrol car and found the handcuffs were appropriate. The witness officer said the complainant complained about his back so the handcuffs were loosened to provide him more room. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4 & 5: The officers used unnecessary force during the incident.

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

FINDINGS OF FACT: The complainant stated officers pushed him into the car door and forced him into the back of the vehicle using their elbows and knees on his back. The complainant stated the incident made him excitable and he did not immediately listen or obey the police officer's directives.

The sergeants denied the allegation. One of the named sergeants stated he is a POST certified instructor in weaponless defense and prisoner transport at the Department's academy. The sergeant stated once the complainant was removed from the patrol car to check his handcuffs, the complainant became combative and refused to get back into the patrol car. The sergeant stated the complainant was facing them with his back against the car with his butt in the opened door. The sergeant said the complainant made his body very stiff and rigid creating a static strength to prevent them from placing him back into the car. The sergeant stated they gave the complainant several opportunities to get back into the patrol car and he verbally warned the complainant that force would be used against him, if he did not comply and get back in the car. The sergeant stated he delivered knee strikes to the complainant's thigh as well as the other named sergeant. The sergeant stated they got the complainant back into the car, but had to reposition him by pulling him back out of the patrol car. The sergeant stated the complainant continued his combative behavior by yelling profanities, screaming, and spitting in his face. The sergeant stated he tried to use academy-trained CNS (Central Nerve Stimulation) techniques, but it was unsuccessful on the complainant. At this point, the sergeant stated the assisting sergeant took the complainant to the ground by using a modified bar arm maneuver.

The other named sergeant stated they told the complainant numerous times to get back into the patrol car and used low levels of distraction force, to no avail. The sergeant stated the complainant began to spin out and away from the other sergeant's control. The sergeant stated he followed with one knee strike to the complainant's thigh and he stopped resisting. However, the sergeant said the complainant ended up in an improper position in the patrol car. The sergeant stated the complainant would not comply by repositioning himself. The sergeant said he placed the complainant into a bent wrist hold and backed him out of the patrol car. The sergeant said the complainant tried to spin out of his grasps so he used a modified bar arm and pressed on the complainant's tricep and shoulder to force him to the ground. The sergeant stated he landed on top of the complainant and used his body weight to restrain and control the complainant. The witness officer corroborated the account of the named sergeants.

During a SFPD recording, the complainant is heard stating, prior to stepping out of the patrol car, that he planned to physically hurt an officer. During the same SFPD recording, the complainant's wife is heard pleading with the complainant to follow the officer's orders and to get back into the police car.

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DATE OF COMPLAINT: 12/15/11 **DATE OF COMPLETION:** 09/26/12 **PAGE #** 4 of 4

SUMMARY OF ALLEGATION #6: The officers made an inappropriate comment towards the complainant.

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

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/20/11 **DATE OF COMPLETION:** 09/18/12 **PAGE #**1of 2

SUMMARY OF ALLEGATIONS #1-3: The officers failed to take the required action.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 24, 2012.

SUMMARY OF ALLEGATIONS #4-6: The officers behaved inappropriately or made improper comments.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 24, 2012.

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DATE OF COMPLAINT: 12/20/11 **DATE OF COMPLETION:** 09/18/12 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant has failed to respond to multiple OCC requests for information relative to allegations against the named officer.

SUMMARY OF ALLEGATION #8: The officer's comments and behavior were inappropriate and threatening.

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

FINDINGS OF FACT: The complainant has failed to respond to multiple OCC request for information relative to allegations against the named officer.

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DATE OF COMPLAINT: 12/29/11 **DATE OF COMPLETION:** 09/12/12 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1 & 2: The officers failed to identify themselves.

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

FINDINGS OF FACT: The complainant stated that two officers in plainclothes knocked at the door of his hotel room, hid their identity from view, and did not respond when one of the complainants guest asked who was it. The officers denied the allegation that they attempted to conceal their identity. The officers, stated they exposed their stars outside their clothing and identified themselves as police officers to the complainant who opened the door. One civilian witness in the room verified the allegation; whereas, two other civilian witnesses could neither support or refute the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3 & 4: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated he is legally blind but heard one of his guest open the door and the officers forced their way into his room. Two civilian witnesses / guest, of the complainant verified the allegation; whereas, another guest of the complainants could not verify or deny that the officers forced their way into the complainants room. The officers stated the complainant opened the door, and invited them inside his room. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5 & 6: The officer searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that while he was alone in his room with the officers, he heard them searching inside two dresser drawers, and inside his closet without his consent or a search warrant. Three witnesses / guests, of the complainant waited in the hallway, outside of the room could neither support or refute the allegation. The officers denied the allegation, and stated that the evidence was in plain view with the exception of additional crack cocaine that the complainant identified was in a jacket inside the closet. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7 & 8: The officers failed to write a complete and accurate incident report.

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

FINDINGS OF FACT: The complainant said the police report prepared by the officers contained six inaccuracies. The inaccuracies identified by the complainant are disputed by the officers. The officers denied the allegation. The officer's testimony in court as well as their statements to the OCC were consistent. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #9 & 10: The officers threatened the complainant.

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

FINDINGS OF FACT: The officers denied the allegation. The complainants guest / witnesses, provided incomplete and inconsistent accounts of the interaction between the complainant and the officers. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he got into an argument with church staff at a homeless shelter. Two officers arrived and placed him under arrest for no reason. The officers stated that staff at the shelter told them the complainant had threatened his life. The reporting party confirmed that the complainant had threatened his life. The arrest follows a trespassing arrest against the complainant from the previous day. 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 during the arrest.

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

FINDINGS OF FACT: The complainant stated that the officer threw him to the ground and handcuffed him. The officer stated that she placed hands on the complainant in order to handcuff him and take him into custody. An independent witness stated that the officer did not use any force on the complainant. The evidence proved that the act alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated that he was thrown to the ground as he was being arrested. The complainant further stated that while being transported to jail, the officer went to the back seat and pushed his head against the glass. Once at the station, the officer pushed him against a wall. The officer stated that he never used any force on the complainant. The officer also stated that he got out of the patrol vehicle because he realized the complainant was not belted in to the seat. The officer stated that he did not struggle with the complainant at all as he put the seat belt on the complainant. There were no independent witnesses to this second part of the allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that the officer told him something to the effect that he could do what he wanted and he was going to kill the complainant. The officer denied saying anything to that effect. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 01/10/12 **DATE OF COMPLETION:** 09/26/12 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity in a threatening manner. The officer denied using any profanity. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/10/12 **DATE OF COMPLETION:** 09/26/12 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers used unnecessary force during the contact.

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

FINDINGS OF FACT: The complainant stated that he was approached by two officers at a homeless shelter and was told to leave. The complainant further alleged that one of the officers threw the complainant against a wall and then threw him to the ground. On the way out of the shelter, ten other officers came and beat him while he was on the ground and handcuffed. The officers stated that they did lay hands on the complainant but only to place him in handcuffs and escort him from the property. The officers stated that the complainant resisted arrest, refused to walk and screamed, "Police brutality!" An independent civilian witness confirmed the officers' observations. The witness stated that he watched the altercation and there was no force used and that the officers acted professionally. The complainant also stated that he sustained a cut to his forehead but his booking photo shows absolutely no sign of any injury. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated that while in a homeless shelter he was giving away Vitamin C pills to others sleeping in the shelter. The shelter supervisor told him this was against the rules and that he had to leave. Two officers arrived and had the shelter supervisor sign a citizen's arrest card. The officers placed the complainant under arrest after the complainant refused to leave on his own. The shelter supervisor confirmed that he signed a citizen's arrest card and that the officers arrested the complainant for trespassing on private property. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer told him, "This is my town and I run things here." The officer denied saying anything to that effect. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that he was assaulted by ten officers and thrown into a police vehicle and taken to the police station. Several officers interviewed stated they did not place hands on the complainant. One officer stated that she transported the complainant and placed hands on him only to help him into the police vehicle. An independent civilian witness stated that there was no force used during the initial contact between the officer and the complainant. There were no independent witnesses to the transporting of the complainant. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/28/12 **DATE OF COMPLETION:** 09/17/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that while the officer was issuing him a citation, the officer commented about him being out of compliance with California Penal Code section 290, which requires mandatory registration as a sex offender for persons convicted of sex offenses. Additionally, the complainant alleged that the officer accused him of lying. The officer denied accusing the complainant of lying. The officer stated that she did inform the complainant that according to dispatch, he was out of compliance with Penal Code section 290. However, his records also note, in part, "Do not arrest for 290 in San Francisco." The complainant's criminal history record reflects the notes referred to by the officer. Additionally, the complainant's criminal history record also reflects that the complainant is a sex offender who is required to register pursuant to Penal Code section 290. Witness officers did not corroborate the complainant's allegation against the named officer. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer issued an illegible citation.

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

FINDINGS OF FACT: The complainant stated the citation the officer issued was illegible. The complainant provided the OCC with a copy of an illegible citation that he said he received from the officer. The officer denied the allegation and said that the citation she issued was clearly legible. Additionally, the officer provided a copy of the citation that she obtained from the Traffic Infraction Division, showing that her citation was clearly legible. The evidence shows that the citation was legible when it was issued. The allegation is unfounded.

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DATE OF COMPLAINT: 01/24/12 **DATE OF COMPLETION:** 09/27/12 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer misused her police authority.

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

FINDINGS OF FACT: The sergeant is the Department's Psychiatric Licensed Technician and has the authority to make an assessment for a 5150 (WI) hold. The sergeant stated she requested the Sheriff's Department contact her when the complainant was released from jail in order to notify the elementary school officials as a safety precaution. The sergeant stated the jail psychiatric clinicians referred the complainant back to psychiatric services for a reevaluation prior to being released. The sergeant stated she has no authority or jurisdiction regarding the complainant's reevaluation. The Sheriff's jail health services corroborated the account of the sergeant. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

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

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

FINDINGS OF FACT: The sergeant is the Department's Psychiatric Licensed Technician and has the authority to make an assessment for a 5150 (WI) hold. The sergeant stated the arresting officer requested that she evaluate the complainant for a psychiatric hold. The officer spoke with the complainant at the station and determined that the complainant met the criteria for a 5150 (WI) hold. The officer had justification to detain the complainant, based on the totality of the circumstances involving several incidents, a mental assessment and numerous witness statements. The Sheriff's jail health services corroborated the account of the sergeant. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 01/27/12 **DATE OF COMPLETION:** 09/17/12 **PAGE # 1 of 3**

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

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

FINDINGS OF FACT: There is no dispute that the complainant stated he arrived at the scene in an angry and agitated state. The complainant stated he double parked his vehicle at the scene of the incident and would not comply with the officer's commands.

The officer at the scene stated he observed the complainant speed up to the scene, double park his vehicle and bail out of his truck screaming confrontational profanities toward the officers. The officer ordered the complainant to return to his vehicle and suggested the complainant drive to the police station to further discuss the circumstances of the incident. The officer stated he made numerous attempts to deescalate the complainant's demeanor, to no avail. The officer stated the complainant broke through family members attempting to hold him back and charged toward an onscene officer to within one inch of the officer with clenched fists. The officer stated he placed the complainant under arrest for delaying, and interfering with an investigation, resisting arrest, and for the vehicle code violation of impeding or blocking the roadway.

One witness officer stated he walked up to the area while the complainant yelled profanities, screamed and called the officers murderers to the point he was foaming, spitting and frothing at the mouth. The witness officer said the complainant rushed towards him with his hands at chest level and balled into a fist. The witness officers said the complainant was so close their noses' nearly touched while the complainant continued forward and the witness officer moved backwards. Two other witness officers corroborated the officer's account of the incident. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated during the arrest an officer choked him or had him in a headlock type hold while striking him in the stomach area with a knee.

The named officer stated he grabbed the complainant's upper shoulder and back of his head then pulled the complainant down to control his head and his body to assist the officers in handcuffing the complainant. The named officer stated this maneuver is an academy-trained technique. The officer denied choking or placing his arms around the complainant's neck. The officer denied using his knee strikes on the complainant during the arrest. The witness officers stated they did not observe any officer choke or strike the complainant in the stomach area. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated he double parked his vehicle at the scene of the incident and would not comply with the sergeant at the scene.

The named officer stated he observed the complainant double-park his vehicle at the scene. The officer said the complainant was subsequently arrested for resisting, delaying and interfering with an investigation and impeding and/or blocking the roadway. The vehicle was towed in accordance with DGO 9.06 and under the authority of 22651(H) VC, which states if a person is taken into custody and the vehicle cannot be legally parked, then the vehicle has to be towed. The named officer said there was no lawful place to park the vehicle, the vehicle was blocking the street, and due to the volatile situation at hand, it was necessary to expedite clearing the scene. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 01/27/12 **DATE OF COMPLETION:** 09/17/12 **PAGE # 3 of 3**

SUMMARY OF ALLEGATION #4: The officer used profanity towards the complainant.

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

FINDINGS OF FACT: The complainant stated as soon as he stepped out of his vehicle a sergeant used profanity while telling him to get back into his truck.

The named officer denied the allegation. The officer said he told the complainant to get back inside his truck and they would talk about the situation, but the complainant would have to get back into his vehicle. The officer said the complainant refused to comply with his request. The witness officers stated they did not hear the named officer use profanity towards the complainant. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/29/12 **DATE OF COMPLETION:** 09/17/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer did not prepare a police report to document her incident. The officer stated the complainant did not request a report to be prepared and that the complainant declined his multiple attempts to assist her. 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 #2-4: The officers made inappropriate comments and displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officers laughed at her and were disrespectful toward her. 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.

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

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

FINDINGS OF FACT: The complainant stated that the officer punched him in the chest and fractured the complainant's sternum. Medical records confirmed the fracture. The officer stated that he punched the complainant with a closed fist because the complainant was reaching for the officer's firearm. The officer stated that he used force because the complainant posed a threat to officers and civilians. The strike was not an academy-approved technique. An independent witness confirmed that the complainant was doing something with his arm in the area of the officer's firearm. There is no video of the use of force and it is unknown if the level of force used was appropriate. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that he was riding on a hot and stuffy bus and reached up to open the hatch on the roof of the bus. The hatch the complainant was trying to open was the emergency exit and the bus driver called police. The bus driver pulled over and an officer got on board the bus, led the complainant off the bus, and put him in handcuffs. The officer stated that the complainant was talking nonsense and was unable to coherently answer questions. The officer was told by his supervisor to detain the complainant on a mental health evaluation hold. The complainant was taken to the hospital and was released. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that as he was being detained the officer called him names such as “stupid” and was rough with him during the detention. The officer stated that he never called the complainant any names and that he laid hands on the complainant at times because the complainant refused to sit down. A video shows the complainant refusing to sit down and the officer placing hands on the complainant to get him to sit down. The video does not contain any sound. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The co-complainant stated that during a struggle, the officer said to the primary complainant, “You can’t hit a fucking cop.” The officer stated that he did not say anything to that effect. The primary complainant did not confirm the allegation. There were no other independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officers entered an incident on the use of force log, but the information was incorrect. The complainant had sustained injuries, proven through X-Rays, yet on the section for injuries “no” was circled. The officers stated that they did not know that the complainant was injured. A supervising officer had conducted a use of force investigation and stated that he does not recall telling the officers that the complainant was injured. There was insufficient evidence to either prove or disprove the allegation made in the complaint.