

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/30/13 **DATE OF COMPLETION:** 01/10/14 **PAGE** #1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was waiting outside a supermarket for his prescription to be filled at the pharmacy when two officers approached him. As they neared him, he placed his cell phone, which he had been holding, inside his shirt pocket. The complainant stated the named officers used unnecessary force by grabbing his arms and one officer twisted the complainant's arm behind his back. One of the officers then removed the complainant's cell phone from his pocket, examined it, and placed it back in his pocket.

Department records established the named officers were searching for a stolen cell phone that they had tracked, using its GPS signal, to a location outside the supermarket. The named officers stated they approached the complainant because of his proximity to the last known location of the stolen cell phone and because he placed his cell phone in his pocket as they approached him. Both officers denied that they grabbed the complainant's arms or used any force on him.

No witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was waiting outside a supermarket for his prescription to be filled when two officers approached him. As they neared him, he placed his cell phone, which he had been holding, inside his shirt pocket. The named officer approached and detained him by grabbing him and then reached inside the complainant's shirt pocket and removed the complainant's cell phone.

Department records established the named officer and his partner were searching for a stolen cell phone that they had tracked, using its GPS signal, to a location outside the supermarket.

OCC's investigation established that the named officer reached inside the complainant's pocket and removed his cell phone, thereby detaining the complainant. The evidence established that the named officer did not have reasonable suspicion to detain the complainant. While the complainant was in the general vicinity of the GPS signal, the complainant did not match any of the various descriptions of the suspect.

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 #4: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was waiting outside a supermarket for his prescription to be filled at the pharmacy when two officers approached him. As they neared him, he placed his cell phone, which he had been holding, inside his shirt pocket. The complainant stated the named officer physically detained him.

Department records established that the named officer and his partner were searching for a stolen cell phone that they had tracked, using its GPS signal, to a location outside the supermarket. The named officer stated that they approached the complainant because of his proximity to the last known location of the stolen cell phone and because he placed his cell phone in his pocket as they approached him, but denied detaining the complainant or having any physical contact with him.

The named officer's partner stated that the named officer had no physical contact with the complainant and denied that the complainant was detained. No witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was waiting outside a supermarket for his prescription to be filled when two officers approached him. As they neared him, he placed his cell phone, which he had been holding, inside his shirt pocket. One of the officers searched the complainant by reaching into his shirt pocket and removing the complainant's cell phone.

Department records established that the named officer and his partner were searching for a stolen cell phone that they had tracked, using its GPS signal, to a location outside the supermarket.

OCC's investigation established that the named officer did not have probable cause to search the complainant. While the complainant was in the general vicinity of the GPS signal, the complainant did not match any of the various descriptions of the suspect.

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 #6: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated that he was waiting outside a supermarket for his prescription to be filled when two officers approached him. As they neared him, he placed his cell phone, which he had been holding, inside his shirt pocket. One of the officers reached into the complainant's shirt pocket and removed his cell phone, which the officer briefly examined before replacing it in the complainant's pocket.

Department records established that the named officers responded to a report of a stolen cell phone which they subsequently tracked, using its GPS signal, to a location outside the supermarket. The named officer and his partner stated that they approached the complainant because of his proximity to the last known location of the stolen cell phone and because he placed his cell phone in his pocket as they approached him. The named officer stated that he approached the complainant and asked to see his cell phone, but denied removing the cell phone from the complainant's pocket. The named officer's partner stated that he and one or more unidentified officers approached the complainant and asked to see his cell phone. He stated that one of the officers – possibly the named officer – briefly lifted the complainant's cell phone from his pocket and then replaced it. No other witnesses were identified.

OCC's investigation established that the named officer did not have probable cause to search the complainant or to seize his property. While the complainant was in the general vicinity of the GPS signal, the complainant did not match any of the various descriptions of the suspect.

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

CATEGORY OF CONDUCT: NA **FINDING:** IO2 **DEPT. ACTION:**

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

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

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

FINDINGS OF FACT: The complainant stated that officers entered his residence without cause. The named officers stated that they responded to the activation of a panic alarm at the complainant's residence. They entered the complainant's residence to conduct a well-being check to ensure that no one needed police services and that there was no emergency. Communications records established that the officers responded to a hold-up alarm at the complainant's residence. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that officers searched his residence without cause. The named officers stated that they responded to the activation of a panic alarm at the complainant's residence. They entered and searched the complainant's residence to conduct a well-being check to ensure that no one needed police services and that there was no emergency. Communications records established that the officers responded to a hold-up alarm at the complainant's residence. 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 detained and handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that the officers detained and handcuffed him without justification. The named officers stated that they responded to the activation of a panic alarm at the complainant's residence. They entered the residence to conduct a well being check to ensure that no one needed police services and that there was no ongoing emergency. One of the officers saw multiple firearms in plain view in a bedroom, including what he thought might be an illegal assault weapon. The officers subsequently determined that the complainant had an outstanding warrant. The officers stated that they handcuffed the complainant because he had an outstanding warrant and detained him while they conducted their investigation, which included having a supervisor respond to the scene. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #6-8: The officers seized the complainant's property without justification.

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

FINDINGS OF FACT: The complainant stated that the officers seized a shotgun and a rifle from his home without justification. Two of the named officers stated that they responded to the activation of a panic alarm at the complainant's residence. They entered the residence to conduct a well-being check to ensure that no one needed police services and that there was no emergency. One of the officers saw, in plain view in a bedroom, multiple firearms including what he thought might be an illegal assault weapon. The officers requested that a sergeant respond to the scene. The officers ran checks on the serial numbers of all of the firearms except for the shotgun, which had an ammunition holder bolted over the area where the serial number was located. The checks indicated that all of the firearms except for one rifle were registered to the complainant. The check on the rifle revealed no ownership records. The two responding officers and the sergeant stated that they seized the shotgun and the rifle for safekeeping after the complainant consented to this action. The complainant denied ever giving the officers consent to take his firearms.

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SUMMARY OF ALLEGATIONS #6-8 continued: The officers seized the complainant's property without justification.

The incident report written by one of the responding officers stated that after running the ownership checks on the firearms, he told the complainant that if he was unable to produce paperwork proving the shotgun and rifle belonged to him, the officers would have to take them for safekeeping. All of the named officers stated that they had no evidence indicating that the two firearms they seized were illegal, stolen or had been involved in a crime. Firearms owners are not required to provide proof of ownership of the firearms they keep in their home. The evidence established that the named officers seized two firearms from the complainant without justification. 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 ALLEGATIONS #9-11: The officers entered and searched the complainant's home without cause on a subsequent date.

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

FINDINGS OF FACT: The complainant stated on a subsequent date, officers entered and searched his home without cause. The evidence established that the named officers conducted a warrantless entry and search of the complainant's home. A landlord's observation of grow lights and a rifle in the garage and the complainant's roommate's unwillingness to let the landlord into the residence did not provide the officers probable cause and an exigency to make a warrantless entry into the residence. 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 ALLEGATIONS #12-13: The officers detained the complainant's roommate without justification on a subsequent date.

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

FINDINGS OF FACT: The complainant stated that on a subsequent date, the officers made a warrantless entry into his home and detained his roommate. The evidence established that the named officers ordered the roommate to exit the home he shared with the complainant. The officers then conducted a warrantless entry and search of the complainant's and roommate's home. The landlord's observation of grow flights and a rifle in the garage and the complainant's roommate's unwillingness to let the landlord into the residence did not provide the officers probable cause and an exigency to make a warrantless entry into the residence. The roommate's detention outside of his home was the result of the officers' unlawful order for the roommate to exit his home. 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 ALLEGATIONS #14-15: The officers handcuffed the complainant's roommate without justification on a subsequent date.

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

FINDINGS OF FACT: The evidence established that the named officer was in command of the subordinate named officer. The landlord's observation of grow lights and a rifle in the garage and the complainant's roommate's unwillingness to let the landlord into the residence did not provide the officers probable cause and an exigency to make a warrantless entry into the residence. The evidence also established that when the roommate complied with the order to exit his home, the named officer ordered the subordinate named officer to handcuff the roommate. The handcuffing of the roommate's outside of his home was the result of the officers' unlawful order for the roommate to exit his home. Additionally, the roommate complied with the officers' orders to exit his home and therefore, could not access any of the complainant's weapons. 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 ALLEGATIONS #16-17: The officers detained the complainant's roommate's girlfriend without justification on a subsequent date.

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

FINDINGS OF FACT: The evidence established that the named officers ordered the roommate's girlfriend to exit the roommate's house. The roommate's girlfriend complied with the order and exited the house. The named officer in charge ordered a subordinate officer to handcuff the roommate's girlfriend. The roommate's girlfriend was a mere visitor. Even in circumstances where law enforcement have obtained a search warrant, the law enables officers to detain persons on the premises only when there is a reasonable suspicion between the person and the premises sufficient to connect the individual to illegal activity that gave rise to the warrant. The officers had no basis for detaining the roommate's girlfriend who was merely a visitor at the residence. 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 ALLEGATIONS #18-19: The officers handcuffed the complainant's roommate's girlfriend without justification on a subsequent date.

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

FINDINGS OF FACT: The evidence established that the named officers ordered the roommate's girlfriend to exit the roommate's house. The roommate's girlfriend complied with the order and exited the house. The named officer in charge ordered the subordinate named officer to handcuff the roommate's girlfriend. The roommate's girlfriend was a mere visitor and cooperative. The officers had no basis for handcuffing the complainant's roommate's girlfriend who was merely a visitor at the residence and posed no safety threat. 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 ALLEGATIONS #20-21: The officers seized the complainant's property without justification on a subsequent date.

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

FINDINGS OF FACT: The complainant stated that the officer, on a subsequent date, seized two firearms that were legally registered to him from his home. The evidence established that one of the named officers and an officer acting on his orders seized two of the complainant's firearms after determining that they were legally registered to the complainant. The officers lacked probable cause and exigency to enter the house and seize the legally registered guns. 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 ALLEGATIONS # 22-23: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that officers have come to his home on multiple occasions in order to harass him at the behest of his landlord, with whom he is having a landlord-tenant dispute. The complainant claimed that his landlord knows unidentified officers at the police station in whose district the complainant lives, who are harassing him as a favor to his landlord. The complainant cited two specific incidents when officers responded to his home. The evidence established that on the first occasion, officers who came to the complainant's home responded to a hold-up alarm there, and that they entered the complainant's residence to conduct a premise check to ensure no one needed police services and that there was no ongoing emergency. The evidence established that the officers came to the complainant's home for a legitimate law enforcement purpose and not as an act of harassment and that therefore, the evidence proved that the acts alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #24: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that officers have come to his home on multiple occasions in order to harass him at the behest of his landlord, with whom he is having a landlord-tenant dispute. The complainant claimed that his landlord knows unidentified officers at the police station in whose district the complainant lives, who are harassing him as a favor to his landlord. The complainant cited two specific incidents when officers responded to his home. The evidence established that officers who responded to the complainant's home for the second incident responded to a dispatched call to police by the complainant's landlord reporting a dispute with the occupant and possible marijuana grow. The evidence established that the supervisory officer who responded to and assumed command at the scene was responsible for officers entering and searching the complainant's residence without cause, detaining and handcuffing the complainant's roommate and his roommate's girlfriend without justification and for seizing the complainant's property without justification. The named officer denied knowing the complainant's landlord and the complainant's landlord denied knowing the named officer. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she was arrested for sales of narcotics although she did not sell anything to anyone. The complainant stated she ran from the officers because she thought she was being robbed. The complainant stated she ran into a check cashing type store, “ditched” her money into the garbage can inside the store and then hid underneath a table. The complainant stated she was then pulled from underneath the table and taken into custody.

The named officer and his partner stated they observed the complainant talking to an unknown male. Both uniformed officers stated the complainant was crouched down with her hand inside her pants. She appeared to be retrieving something from her crotch area. The officers then saw the complainant hand something to the unknown male. When the officers made eye contact with the complainant, she immediately ran away from the officers. The officers gave chase and located the complainant inside the check-cashing store, placing her in custody.

An employee at the check-cashing store confirmed that the complainant ran into the store, hid a brown paper bag in the garbage, and then hid under a table, where she was later located by the officers.

No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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 she was “manhandled” when she was arrested. The complainant stated she did not complain to the officers of any pain or injury. In addition, she did not at any time ask for medical assistance while in the custody of the officers or while in the County jail.

The named officer and his partner denied the allegation. An employee at the store, who witnessed the complainant’s arrest, also denied that unnecessary force was used when the complainant was arrested.

No other witnesses came forward. There was insufficient evidence to either prove or disprove that the force used was minimally necessary to take the complainant into custody. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3-5: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the arresting officers and their supervisor made inappropriate comments.

The named officers denied the allegation. One witness, who witnessed the complainant's arrest, did not hear the alleged comments. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-8: The officers failed to provide their names and star numbers.

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

FINDINGS OF FACT: The complainant stated that when officers laughed at her at the station, she asked them for their names and star numbers, but they refused to provide her with the information.

The officers denied the allegation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #9: The officer strip-searched the complainant.

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

FINDINGS OF FACT: The complainant stated she was stripped searched by a female officer at the station. The complainant stated she was not carrying or transporting narcotics so she agreed to the strip search.

The officer denied the allegation, stating she conducted a strip search on the complainant as instructed by a supervisor who signed the strip search form. The officer stated she conducted a strip search on the complainant at the station regarding hidden narcotics. A supervising officer corroborated that he signed the form based on the arresting officer's reasonable suspicion that the complainant was concealing contraband.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated she was at a friend's home when police arrived, saying they wanted to check on a report of people smoking marijuana in the home and to check on the welfare of children inside the home. The complainant stated she was at the front door when she was immediately grabbed by one of the named officers, thrown to the ground and placed in handcuffs.

The officers stated they were responding to a call regarding a neighbor dispute. The reportee stated that her downstairs neighbors were smoking marijuana and that the reportee was concerned about the well being of the children living downstairs. One of the named officers stated he had received permission from the owner of the house to do a well being check on the children living there when the complainant blocked his path, repeatedly refusing to move. When this officer grabbed the complainant's arm, the complainant resisted, prompting him to guide the complainant to the ground. With the assistance of the other named officer, the complainant was placed in handcuffs.

There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she was at a friend's home when police arrived, saying they wanted to check on a report of people smoking marijuana in the home and to check on the welfare of children inside the home. The complainant stated she was at the front door when she was immediately grabbed by one of the named officers, choked, thrown to the ground and placed in handcuffs.

The named officer and his partner stated they were responding to a call regarding a neighbor dispute. The reportee stated that her downstairs neighbors were smoking marijuana and that the reportee was concerned about the well being of the children living downstairs. The named officer stated he had received permission from the owner of the house to do a well being check on the children living there when the complainant blocked his path, repeatedly refusing to move. When the named officer grabbed the complainant's arm, she resisted, prompting him to guide the complainant to the ground. With the assistance of his partner, the complainant was placed in handcuffs.

There were no independent witnesses. There was insufficient evidence to either prove or disprove that the force used by the named officer was minimally necessary to accomplish his task.

There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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SUMMARY OF ALLEGATION #4: The officer failed to provide his name and star number upon request.

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

FINDINGS OF FACT: The complainant stated the officer failed to provide his name and star number upon request.

The officer denied the allegation. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated she was at a friend's home when police arrived, saying they wanted to check on a report of people smoking marijuana in the home and to check on the welfare of children inside the home. The complainant stated she was at the front door when she was immediately grabbed, choked, thrown to the ground and placed in handcuffs. The complainant stated she was then cited for resisting arrest, which she denied.

The named officer and her partner stated they were responding to a call regarding a neighbor dispute. The reportee stated that her downstairs neighbors were smoking marijuana and that the reportee was concerned about the well being of the children living downstairs. The named officer stated that her partner had received permission from the owner to enter the house when the complainant blocked the partner's path, repeatedly refusing to move. When the named officer's partner grabbed the complainant's arm, the complainant resisted, prompting the partner to guide the complainant to the ground. The complainant was then placed in handcuffs and subsequently cited and released by the named officer for resisting arrest.

There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that an officer checked her identification in order to give her a citation. After citing the complainant, the officer left the premises with the complainant's identification. The complainant stated that after about ten minutes, the officer returned and gave her back her identification.

The officer stated that she checked the identification of the complainant in order to give her a citation. After citing her, the officer went back to the station when the officer realized the identification was still inside her pocket. She immediately returned to the complainant's home and returned the identification.

There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that her son was arrested without cause for a residential burglary. The complainant's son and two other suspects did not respond to multiple requests for an OCC interview.

The officers stated they detained and arrested the complainant's son after the reportee/witness positively identified the complainant's son as being involved in a residential burglary.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS # 3-4: The officers failed to Mirandize the complainant's son after the son's arrest.

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

FINDINGS OF FACT: The complainant stated that her son was arrested without cause for a residential burglary. The complainant alleged that the officers failed to read her son his Miranda rights.

The complainant's son and two other suspects did not respond to multiple requests for an OCC interview.

The officers stated they detained and arrested the complainant's son after the reportee/witness positively identified the complainant's son as being involved in a residential burglary. The evidence shows that the complainant's son was given the Miranda warning prior to his custodial interview.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #1: The officer entered and searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated the officer entered and searched his residence without cause. The complainant was not present when the officer(s) entered and searched the residence.

The named officer stated that she and two officers responded to the residence looking for a person suspected of being potentially dangerous to himself and/or others. The named officer stated that while the person they were looking for was not there, another resident gave them permission to enter and conduct a brief protective sweep.

The OCC interviewed the person who gave the officer consent to enter. While she admitted giving the officers consent to enter the apartment, she gave conflicting testimony about her conversation with the named officer.

No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-3: The officers intentionally damaged property.

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

FINDINGS OF FACT: The complainant said the officers intentionally damaged parked vehicles, motorcycle parts, and a piece of tile on his property.

The officers denied the allegation.

One witness on the premises could not verify or deny the complainant's claims. Another witness contradicted 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 #4: The officer behaved in a retaliatory manner.

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

FINDINGS OF FACT: The complainant said an officer attempted to involuntarily detain his friend in order to discredit his friend and/or dissuade his friend from filing additional complaints against the San Francisco Police Department members.

The evidence established there was an open OCC investigation at the time the San Francisco Police Department members sought to contact the complainant's friend to assess whether he posed a danger to a San Francisco Police Department member.

The named officer acknowledged he asked for assistance from a subject matter expert in order to assess whether the individual in question posed a threat to an officer.

There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/13 **DATE OF COMPLETION:** 01/31/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer responded to his call regarding a dispute with a cab driver. The complainant stated that the officer's behavior and comments were inappropriate. The complainant recorded his contact with the officer on his cell phone and provided the video link to the OCC.

The officer reviewed the video and admitted that it was his voice on the video. The officer also reviewed a transcript of the video provided by the complainant and stated the transcript was substantially accurate. The officer stated that he made the comments and acted in such a manner to show the complainant that the officer was serious about what he was doing.

OCC's review of the video recording provided by the complainant found that the officer's comments and behavior were threatening, coercive, demeaning, and inappropriate. The officer's conduct and behavior were in violation of Department General Order 2.01.

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 #2: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant was involved in a dispute with a cab driver regarding the complainant's refusal to tip the driver. The complainant alleged that the officer failed to properly investigate the dispute and failed to cite the cab driver.

The officer stated that he did not know what the Paratransit program was. He stated that he did not know what he would have cited the driver for.

No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/13 **DATE OF COMPLETION:** 01/17/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was at a shelter when he asked for an ambulance after suffering from a post epileptic seizure headache. When they refused, the complainant went outside into the lanes of traffic to wave at motorists, hoping that someone would call for an ambulance for him.

The incident report shows that the officers were dispatched to a call regarding a person, later identified as the complainant, lying in the street. After conducting their investigation, the officers determined that the complainant was a danger to himself and transported him to SFGH-PES for an involuntary psychiatric evaluation for being a danger to himself.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant said the officer shook him back and forth and unnecessarily pushed him into the patrol car during his detention. The complainant did not sustain any injury from this incident. The named officer and his partner denied the allegation.

There were no witnesses to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/13 **DATE OF COMPLETION:** 01/17/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4 & 5: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant said the officers stole five hundred dollars from his wallet before their arrival to SFGH-PES. The complainant was unable to establish that he had the money when he was detained.

The officers denied the allegation and PES records indicate the complainant had no money inside his wallet when he arrived at the hospital. There were no witnesses to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/13 **DATE OF COMPLETION:** 01/13/14 **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 there was a restraining order against him; but the restraining order allowed him to enter his residence. Unable to enter his residence, the complainant went to the Hall of Justice to have an officer assist him with entering his residence. The complainant stated that he spoke with the named officer who told the complainant that she could not interpret the court order and advised the complainant to go to 400 McAllister Street concerning the order.

The officer stated that she did not recall having any contact with the complainant. The officer stated that it is her practice to direct citizens to the SFPD legal division where attorneys work and can assist the public.

No independent witnesses were identified by either the complainant or the officer. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officers' actions and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated that he went to the Hall of Justice to get assistance from police. After speaking with several officers about his problem, two officers escorted the complainant out of the area and told him he would be cited for trespassing if he did not leave.

The OCC conducted an officer identification poll but was unable to identify the involved officers. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/13 **DATE OF COMPLETION:** 01/31/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was pulled over for failing to come to a complete stop at a stop sign. The complainant alleged that the named officer had an aggressive tone, treating the complainant like a criminal.

The named officer and her training officer denied the allegation. The named officer stated she was calm and did not behave inappropriately as alleged.

No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer issued an inaccurate citation to the complainant.

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

FINDINGS OF FACT: The complainant disagreed with part of the citation regarding the front tinted windows on his vehicle. The complainant stated his car has factory dealer tinted windows all around, which included the front side windows. The complainant stated he is able to see through his front windows.

The officer denied the allegation. The officer said she observed the complainant's car had affixed, on the front passenger and driver side windows, a material that altered the color and reduced the light transmittance in violation of Vehicle Code 26708.5(a). The officer said the complainant's car tint was so dark that she was unable to verify if there were occupants inside the car.

The OCC took photos of the complainant's vehicle and inspected the tinted windows. OCC corroborated that the complainant's tint on the forward side windows were in violation of the vehicle code section cited by the officer.

The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/13 **DATE OF COMPLETION:** 01/16/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department Financial Crimes Unit failed to take required action.

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

FINDINGS OF FACT: The complainant stated a known party stole her purse, which contained her ATM card, a food stamp card and cash. She stated that with the fraudulent ATM withdrawal, her total loss was \$1,000. She stated the Financial Crimes Unit of the San Francisco Police Department has failed to investigate this matter.

A supervising officer for the Financial Crimes Unit stated this case was not assigned to an investigator because, based on the conflicting information supplied in the initial and supplemental reports the likelihood that an investigation would lead to a successful prosecution resulting in a substantial court disposition would not occur. The officer further stated that several factors are considered when assigning cases for investigation. Those factors include a felony arrest, known suspects, loss in excess of \$10,000 and arrestees in possession of altered/counterfeit or stolen checks or access cards.

The complainant's case did not meet the SFPD's criteria for investigation.

The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/13 **DATE OF COMPLETION:** 01/29/14 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant said an officer failed to properly process a birthday card seized by police and the cash inside. The complainant failed to provide additional requested evidence.

Department records showed that the named officer listed a birthday card as booked as evidence in a police report that does not mention any cash. The named officer has retired and no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant said an officer failed to write an incident report including the listing of a birthday card and cash seized by police. The complainant failed to provide additional requested evidence.

Department records indicated that the named officer did write a report reflecting the seizure of a birthday card, but the report mentions no cash. The named officer has retired and no longer subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/31/13 **DATE OF COMPLETION:** 01/24/14 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the named officer approached him angrily, backed him into a fence and yelled at him that he had better stop identifying himself to emergency communications as a private patrol person and threatened the complainant with arrest for holding himself out to be a patrol special.

The named officer denied acting in a threatening manner and denied telling the complainant he could not identify himself as a private patrol person. The named officer acknowledged that, acting on a complaint from a dispatcher, he told the complainant he could be arrested for impersonating an officer, but did not recall what else he said to the complainant.

Six officers who responded to the scene of the incident involved in this case said they did not recall what the named officer said and did during the contact with the complainant. They did not hear the conversation and did not see the named officer engage in the threatening behavior alleged.

No other witnesses came forward. There was 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 complainant said the named officer used profanity in speaking to the complainant.

The named officer said he did not recall his full conversation with the complainant. Six officers who responded to the scene of the incident involved in this case said they did not recall what the named officer said, or said they did not hear the named officer use profanity.

No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/13 **DATE OF COMPLETION:** 01/24/14 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1 & 2: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated he was smoking marijuana when he was approached by the named officers. He stated he was reaching for his identification when he was taken to the ground. The complainant stated he was struck in the face with a closed fist and pushed into a fixed object. In addition, the complainant stated that his foot was stepped on while at the station.

The named officers stated they were on bicycle patrol when they noticed the complainant smoking marijuana. In addition, one of the named officers stated that he knew that the complainant had outstanding warrants for his arrest. This officer stated that when he asked the complainant for his identification, the complainant refused and began to resist, prompting the officers to take him to the ground. This same officer stated that while the complainant was in handcuffs, the complainant continued to resist, repeatedly trying to turn towards the officer. As this officer attempted to grab the complainant by his jacket collar to spin the complainant away from the officer's face, the officer inadvertently struck the complainant's face with his fist. This officer reported his use of force to his supervisor who documented the incident in the use of force log.

The complainant's station and jail medical records did not reflect any complaint of pain or trauma to either his face or his foot, or any request for medical attention.

No witnesses came forward. There was insufficient evidence to establish that the officers' use of force was minimally necessary to accomplish their lawful police task. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers lacked probable cause to arrest him following his detention.

The officers stated the complainant had outstanding warrants for his arrest, which was later confirmed by Central Warrant Bureau.

The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/13 **DATE OF COMPLETION:** 01/24/14 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #5 & 6: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officers lost or damaged specific items of property.

The officers denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer wrote an inaccurate and/or incomplete incident report.

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

FINDINGS OF FACT: The complainant stated that he attempted to provide officers with his medical marijuana identification card. He stated that he had medical marijuana in his possession and the report failed to document its confiscation. He stated the officer failed to attempt to verify his claim of compassionate use and the report did not reflect this information.

The named officer and his partner denied the allegation.

No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/13 **DATE OF COMPLETION:** 01/24/14 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #8 & 9: The officers made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that an officer called him a punk and the arresting officers also made disparaging remarks regarding the processing of his property.

The officers denied the allegation.

No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #10 & 11: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the officers failed to verify his claim that he was a medical marijuana patient. The complainant stated that when he was detained, he attempted to produce his medical marijuana identification, but the initial officer would not allow it.

The officers denied the allegation. Both stated all they heard was incoherent screaming by the complainant.

No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/13 **DATE OF COMPLETION:** 01/23/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly document and process property seized from the complainant.

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

FINDINGS OF FACT: The incident complained of occurred in April 2007. The complainant stated that specific items were not returned to him by the San Francisco Police Department after his criminal case was dismissed. The Office of Citizen Complaint's records show that the complainant had previously filed a complaint regarding the same incident with similar allegations. Specifically, in his original complaint, a not sustained finding was reached against an unknown officer for failure to properly process the complainant's property. There remains to be insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/13 **DATE OF COMPLETION:** 01/03/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the officer detained her when she walked around a car, instead of following the path the officer indicated. The officer said he detained the complainant because she refused a lawful order to stop and then ran from him when he attempted to detain her. Two officers who transported the complainant to jail said they were not present during the initial detention of the complainant.

No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the named officer grabbed her arm so hard he bruised it, and then twisted her arm until she cried out in pain. The named officer denied the allegation, stating that he grabbed the complainant's arm because it was necessary to stop her when she fled from him when he tried to stop her. He said he used a Department-trained pain compliance hold to immobilize the complainant when she was trying to pull away from him. Two officers who were at the scene of the detention stated that they did not see the initial detention, as they were not on scene yet. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/13 **DATE OF COMPLETION:** 01/31/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer cited the complainant for driving in a bus lane. The complainant alleged the officer was rude, sarcastic, and insulting throughout the traffic stop. The complainant stated the officer yelled at him and refused to answer questions about the citation.

The officer denied the allegation, describing his behavior towards the complainant as polite and courteous. The officer denied yelling and stated he answered the complainant's questions.

No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/08/13 **DATE OF COMPLETION:** 01/22/14 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated the officer failed to give the reason for the traffic stop. During his interview, the complainant acknowledged that the officer did in fact explain the reason for the stop.

The person driving the car at the time of the citation was not available for an interview.

The named officer said he explained the reason for the citation during the traffic stop, to both the driver and the complainant, who was a passenger in the car. Department records given to the driver of the vehicle during the traffic stop clearly reflects the reason for the citation.

The evidence proved that the officer's action was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said the officer failed to provide his name and star number and included it illegibly on the citation.

The named officer said he had given his name and star to both occupants of the car, including the complainant, and that he pointed his identification out to them on the citation.

Department records indicated the name and star number were not clear on the citation.

The person driving the car at the time of the citation was not available for an interview.

No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/08/13 **DATE OF COMPLETION:** 01/22/14 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #3: The officer displayed a threatening demeanor.

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

FINDINGS OF FACT: The complainant said in his interview that the officer was hostile, arrogant and threatening, but explained only that the officer put his hand on his holster and became “hostile” when the complainant, who was a passenger in a car that was the subject of a traffic stop, exited the car during the traffic stop.

The named officer acknowledged that when he was writing a ticket, the passenger exited the vehicle and began yelling at him, and that he had put his hand on his gun for officer safety, and ordered the complainant to return to the car.

The person driving the car at the time of the citation was not available for an interview.

No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/15/13 **DATE OF COMPLETION:** 01/25/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with DGO 5.20 (Language Access Services for Limited English Proficient (LEP) Persons).

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

FINDINGS OF FACT: The complainant stated she and her minor son went to a police station to try to file a police report. The complainant stated she asked for someone to communicate with her in Spanish but was told that no Spanish-speaking person was available to take her report.

The complainant was shown a photograph of the person working at the front office at the date and time of the contact, and she denied that the person in the photo was the person she spoke to. In addition, the complainant and her son were shown several photos of officers who closely matched the complainant's description of the officer. Both the complainant and her son could not identify the officer.

There was insufficient evidence to establish the identity of the alleged officer. No other witnesses were provided. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/13 **DATE OF COMPLETION:** 01/28/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was arrested for violating a stay away order. The complainant denied that she was in the area covered by the stay away order.

No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that she was being harassed by the named officer.

While the named officer has had prior contacts with the complainant, the officer denied harassing the complainant. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/13 **DATE OF COMPLETION:** 01/28/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she noticed a small lump on her wrist after the officer arrested and handcuffed her. She admitted she was kind of resisting when the officer grabbed her by the arm and she pulled her arm back. She stated she knew better than to resist any further, and she submitted to the arrest. She stated she did not inform the officer she was injured or in pain, and she did not seek any medical treatment.

Medical records maintained by the Sheriff's Department indicate the complainant stated she did not have any injuries or trauma at the time she was booked at the County Jail. The officer stated the complainant did not resist arrest and he did not pull or yank at her arm. He simply placed the handcuffs on her. The named officer's partner stated the complainant did not complain of pain, injury or that the handcuffs were too tight. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/13 **DATE OF COMPLETION:** 01/24/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that from his balcony, he witnessed a confrontation between two men. He stated that two unknown men were yelling, but he was not sure if the confrontation was physical. He stated that two officers, across the street at Happy Donuts, watched the assault on the street but did nothing to intervene. He stated that the officers had a blatant disregard for their job. He described the officers as a male and female, both in uniform.

The OCC was unable to identify any officers at Happy Donuts on the date and approximate time of this alleged incident. A poll of officers in the district was conducted with negative results.

No witnesses were located and inadequate information was provided to properly identify the officers. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/06/13 **DATE OF COMPLETION:** 01/29/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on January 23, 2014.

SUMMARY OF ALLEGATION #3: The officer failed to accept a private person's arrest.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 23, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/06/13 **DATE OF COMPLETION:** 01/29/14 **PAGE #2** of 2

SUMMARY OF ALLEGATION #4: The officer cited 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 January 23, 2014.

SUMMARY OF ALLEGATION #5: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 23, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/13 **DATE OF COMPLETION:** 01/27/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: When the complainant was arrested, his vehicle was towed.

The two arresting officers stated that their supervisor ordered the tow of the complainant's vehicle.

The arresting officer's supervisor has retired. He is no longer available and subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant stated that when he was initially detained, officers told him his car would not be towed. The complainant stated that while he was at the station, he fell down and could not get up. He stated that one of the arresting officers told him if he didn't get up, his car would be towed. The complainant stated the officer also accused him of "faking it."

Three officers who had contact with the complainant at the station acknowledged that the complainant fell down. However, both arresting officers denied telling the complainant that his car would be towed if he didn't get up. These officers stated that a supervisor ordered them to have the car towed as the vehicle was used in a felony.

The arresting officers' supervisor has since retired from the Department.

There was insufficient evidence to establish the identity of the officer who allegedly made the alleged inappropriate comment. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/13 **DATE OF COMPLETION:** 01/31/14 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant said she turned left at an intersection she identified, and never saw any “No Left Turn” signs, thus she should not have received a citation.

A witness, who was driving with the complainant, confirmed that the complainant turned left at the identified intersection.

The named officer and one witness officer said they both saw the complainant drive her vehicle left at the identified intersection. There are “No Left Turn” signs at the intersection.

The evidence proved that the acts that formed the basis for the allegation occurred, however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant said the named officer tried to “hit on” her sister during a traffic stop, asking the sister who she was, and where in San Francisco she lived. A witness, who was in the car during the traffic stop, said she did not know why the officer asked her where in San Francisco she lived but did not notice the named officer “hit on” her. The witness speculated that the officer may have wanted to find out if the witness lived locally and was familiar with traffic in the area the complainant was driving.

The named officer and one witness officer, who acknowledged the named officer asked the questions, said the questions were appropriate because the complainant indicated she made an illegal turn because she was from out of town, and was driving a car registered to a private party whose name was not the driver’s.

Department records indicated that the car was registered to a third party who was not in the car during the traffic stop, and the complainant gave officers an out of state license.

No other witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/13 **DATE OF COMPLETION:** 01/31/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer stayed in his patrol car during a traffic stop until the complainant asked for him to approach so she could complain about the citation she was receiving, but lied when he told the complainant that he had been “standing here the whole time,” and denied hearing an officer ask inappropriate questions.

A witness present in the car at the time said she thought the named officer was standing by his patrol car until the complainant asked him to approach.

The named member, who was supervising an officer in the Department’s Field Training program, said he was standing near the officer when he approached the subject car, and that he intentionally placed himself so as to be inconspicuous. He said when the complainant asked if he heard the officer trying to “hit on” her sister, he said he had not heard the officer do so.

A witness officer said he did not see where the named officer was standing throughout the encounter, but did see him at the rear of the subject’s car on the passenger side. He said when the complainant asked if the sergeant heard the officer “hit on” her sister, the sergeant denied hearing that.

No other witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/13 **DATE OF COMPLETION:** 01/22/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was parked when the named officer pounded on his window and asked for his identification. In addition, the complainant stated the named officer accused him of sleeping in his van and threatened to cite him.

The officer stated he found the complainant sleeping inside his vehicle with another person, in violation of Section 97(b) MPC, Use of Vehicle for Human Habitation. The officer stated he repeatedly tapped the complainant's window to awaken him. The complainant then opened his sliding side door and made contact with him. The officer stated he was professional and he advised the complainant to move his vehicle to avoid getting cited for the above listed violation.

No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/13 **DATE OF COMPLETION:** 01/15/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she and her friends were at a nightclub when one of her male friends was ejected from the premises by club security for taking too long in the restroom and for being intoxicated. The complainant stated that her friend was not intoxicated. She felt that her friend was treated inappropriately and wanted this documented in a report by a police officer.

The complainant's friend was interviewed as a witness by OCC. He corroborated that he felt he was treated inappropriately by club security when he was ejected for taking too long in the restroom and for being intoxicated. He denied that he took too long in the restroom or that he was intoxicated.

The officer stated that he was nearby when he was called to the scene by club security and approached by the complainant. The complainant told him that her friend had been kicked out of the bar and she felt this was unfair. The officer stated he then spoke to club security and was told that the complainant's friend had been loitering in the restroom and had been advised not to loiter in that area. Club security ejected the friend because he would not follow club rules. The officer said he told the complainant that the security staff had the right to refuse service to anyone. The officer said that the complainant did not ask him for an Incident Report. The officer stated that there was nothing to be documented because nothing happened.

Department General Orders state that officers are required to document crimes they observe or that are brought to their attention. No crime was observed by the officer nor was any crime brought to the officer's attention. The ejection by club security was a civil matter and not a criminal action.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/13 **DATE OF COMPLETION:** 01/02/14 **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 he was unable to cross the street because cars were blocking a downtown intersection. He stated the officer was standing across the street and did not do anything about the traffic congestion.

The officer stated he was posted at the northeast corner of Third and Howard Streets. He stated that due to a convention, the north sidewalk on Howard Street was blocked to pedestrian traffic. He stated that the crosswalk at the northwest corner of Howard Street – where the complainant was standing – was controlled by a private company hired by the company holding the convention.

No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/09/13 **DATE OF COMPLETION:** 01/28/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant did not respond to OCC's request for an interview. In his written complaint, the complainant stated he was sitting on a curb when he was approached by the named officers, who made inappropriate comments toward him. The officers denied the allegation, stating they had no recollection of this incident or of the complainant. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant did not respond to OCC's request for an interview. In his written complaint, the complainant stated the officers pushed him, twisted his arm and punched him in his ribs.

The officers denied the allegation, stating they had no recollection of this incident or of the complainant.

No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/25/13 **DATE OF COMPLETION:** 01/23/14 **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 said in a written complaint narrative that the named officer “seemed not interested in taking a report from me.” The complainant did not respond to OCC efforts to gather further evidence.

The named officer denied that he refused to take a report, saying that the complainant became upset when the named officer asked him to repeat the account of the crime report he was trying to make. The named officer’s partner, who was at the scene and witnessed the contact, denied that the named officer refused to take a report, stating that the complainant refused to answer questions asked by the named officer in service of taking the report, and chose to give the report to the named officer’s partner.

Department records indicate that the named officer’s partner took the report from the complainant during the initial contact.

No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/13 **DATE OF COMPLETION:** 01/28/14 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was at a park with some friends. They were just hanging out and were not drinking or smoking at any time when two officers approached them. The officers accused them of drinking and doing drugs and asked everyone for their identification. The complainant was eventually cited and released from the station.

The officers stated that they were patrolling the park due to numerous citizen complaints regarding alcohol consumption, illegal drug use, and other prohibited activities within the park. The officers observed the complainant and an older man next to him smoking. They also observed two subjects drinking alcohol. Once they approached the subjects, the officers smelled a strong odor of marijuana near the complainant and the subject next to him. Based upon those observations, the officers detained four subjects based on multiple park code and criminal violations.

The complainant refused to identify his friends and told the OCC that his friends would not want to get involved. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/13 **DATE OF COMPLETION:** 01/28/14 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated he was placed in handcuffs when he refused to provide his identification. The complainant stated that he was not required to give his identification to the officers because he was not breaking any laws.

The officers stated they detained the complainant and his friends for disobeying a clearly posted sign in the park that prohibited drinking and drug use. When the officers asked for the complainant's identification, he refused to give it to them. At one point, the complainant attempted to leave despite being detained. The complainant was ultimately cited and released from the station.

The complainant refused to identify his friends and told the OCC that his friends would not want to get involved. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5 & 6: The officers made inappropriate comments and acted inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer laughed at him and made inappropriate remarks while he was in custody.

The officers denied the allegation.

The complainant refused to identify his friends and told the OCC that his friends would not want to get involved. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/13 **DATE OF COMPLETION:** 01/28/14 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that he was arrested while at a park. After being cited and released, an officer told him not to come back to the park again unless he settled the citation in court.

The officer stated that he advised the complainant he could not return to the park in an intoxicated state or if he was going to continue his behavior of smoking marijuana. No other order was given.

The complainant refused to identify his friends and told the OCC that his friends would not want to get involved. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #8: The officer placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant stated that he was arrested and handcuffed. The officer put the handcuffs on so tightly that it caused pain and numbness in the complainant's hands and wrists.

The officer stated that the handcuffs were double-locked and checked for a proper fit. The complainant never made any comment to the officer of tightness, pain or numbness.

The complainant refused to identify his friends and told the OCC that his friends would not want to get involved. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/12 **DATE OF COMPLETION:** 01/16/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 9, 2014.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 9, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/14/13 **DATE OF COMPLETION:** 01/09/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he and another driver were picking up passengers at a cruise ship terminal when the officer behaved inappropriately and made inappropriate comments.

The officer denied the allegation. The officer stated that both drivers were illegally stopped in a taxi zone. The officer stated that he told both the complainant and the other driver several times that they could not stop there and that he provided guidance on where they could find legal parking. The officer stated that he did not make the comments alleged by the complainant.

No independent witnesses were identified by either the complainant or the officer. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/13 **DATE OF COMPLETION:** 01/23/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that officers responded to a noise complaint with the complainant's neighbor. The complainant stated that the police responded after 10 p.m. when the complainant was sleeping. The complainant thought this response time was rude.

Department records show that the initial call came in at 8:20 p.m. from the neighbor and was listed as a "C" priority call, which does not warrant an immediate response if other higher priority calls are pending.

The named officer and a witness officer denied the allegation. They stated the complainant was offered several forms of alternative dispute resolution, but refused them.

No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/13 **DATE OF COMPLETION:** 01/24/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to use due caution.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/13 **DATE OF COMPLETION:** 01/29/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 27, 2014.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 27, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/13 **DATE OF COMPLETION:** 01/29/14 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: The officer demonstrated biased policing due to gender.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 27, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/13 **DATE OF COMPLETION:** 01/29/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on January 21, 2014.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on January 21, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/13 **DATE OF COMPLETION:** 01/17/14 **PAGE # 1 of 2**

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/13 **DATE OF COMPLETION:** 01/17/14 **PAGE # 2 of 2**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/13 **DATE OF COMPLETION:** 01/16/14 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was involved in a car accident in 2006. The complainant stated that the officer took an inaccurate statement from him about what had happened and wrongly placed him at fault for the collision. The named officer has retired and is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The named officer has retired and no longer subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/13 **DATE OF COMPLETION:** 01/13/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complaint stated that her son was arrested and that the property taken from her son including a cell phone, \$350.00 in cash and marijuana were not properly processed.

The OCC reviewed Department records including the Incident Report and the Property Receipt form for the arrest complained of. The incident report shows that a cell phone, \$380.00 in cash and marijuana were booked into property. The incident report shows that the marijuana was placed into the Department narcotics drop box at the Hall of Justice pursuant to Department General Order 6.02G(8). The property release form shows that the cell phone and \$380.00 in cash were booked into the property room.

The evidence proved that the named officer's action was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/31/13 **DATE OF COMPLETION:** 01/23/14 **PAGE #**1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department Bulletin 13-135, use of cellular phones and electronic communications devices by motorists and members.

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

FINDINGS OF FACT: The complainant made an anonymous complaint stating he/she observed an officer in a marked police car using a cellular phone while driving. The complainant provided no contact information to OCC.

The OCC ordered and obtained an equipment log for the station that the unit was assigned to. The vehicle was not listed as being in use at the date and time listed by the complainant. An officer identification poll was sent to the station Captain. The Captain returned the poll and could not identify the involved officer. Without additional information from the complainant, the OCC could not further investigate the complaint.

No witnesses were identified by the complainant. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/14 **DATE of COMPLETION:** 01/16/14 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/14/14 **DATE OF COMPLETION:** 01/16/14 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/13 **DATE OF COMPLETION:** 01/21/14 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer yelled and berated a fan. The complainant stated she heard the officer tell the fan to stop taking pictures and to stop filming. However, the complainant admitted she did not hear the ensuing conversation between the officer and the fan, because of the loud game noise and her seating position.

The officer denied the allegation. The officer stated he raised his voice so he could be heard over the loud game noise. The officer said the fan refused to comply with his verbal orders to put his arm down. The officer said the fan's arm was extended outward and across the aisle, which obstructed the path and safety of the officers.

The fan was interviewed by the OCC. He stated the officer was angry and came up to him without warning as he was recording another fan being ejected by other officers. The witness did not provide the requested recording evidence to the OCC.

No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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 manhandled and grabbed a fan. The complainant stated she observed the officer jerk and drag the fan up the stairs to the walkway with the fan's arms behind his back. The complainant admitted she did not observe any use of force or physical controls used by the officer.

The officer denied the allegation. The officer stated the fan failed to comply with his verbal orders to move his arms out of the row and aisle areas, blocking the officers' path. The officer stated he pushed the fan's arm out of the way to allow other officers to pass through. The officer described his contact with the fan's arm like he was moving a branch out of the way.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/13 **DATE OF COMPLETION:** 01/21/14 **PAGE#** 2 of 3

The fan was interviewed by the OCC. He stated the officer grabbed his arm and pushed his hand down without warning. When the fan tried to put his arm back up, the officer placed him in a choke type hold and spun him around. The fan admitted, at this point, he intentionally went limp with his body and fell backwards onto the officer.

A witness officer said he saw the fan slap the named officer's hands away as the officer extended his arm toward the fan. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated the officer ordered a fan not to take pictures or record the contact between other officers and another fan. The complainant said the officer confronted the fan and told him to stop recording. The complainant admitted she did not hear the ensuing conversation between the officer and the fan, because of the loud game noise and her seating position.

The officer denied the allegation. The officer stated he repeatedly told the fan he could record, but that he needed to move his arm out of the way. The officer stated the fan refused to comply with his verbal orders and the fan struck the officer's arm during the contact. The officer stated he needed to clear the row and aisle area in order for him and the other officers to safely exit the area with another fan, who was being ejected.

A witness interviewed by the OCC stated that he was recording a fan getting ejected by the officers on his cell phone when the named officer confronted him and told him to stop recording. He denied he extended his arms or body across the row or aisle and was not in the way of the officers. The witness did not provide the requested recording evidence to the OCC. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/13 **DATE OF COMPLETION:** 01/21/14 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4: The officer detained an individual without justification.

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

FINDINGS OF FACT: The complainant stated an officer detained a fan without justification.

The officer denied the allegation. The officer stated he was attempting to clear a seated row in order for other officers to safely leave the area with an ejected fan. The officer stated he gave verbal orders to the fan to move his arm, but he refused. The officer stated the fan began recording the contact between the other officers and another fan. The officer said the fan failed to comply with his verbal orders to move his arm away and the fan continued to extend his arm across the row into the aisle area, thereby interfering with the officers' investigation and ejection of the unruly fan. The officer used his arm to move the fan's arm away as he assisted the other officers. The officer released the fan and issued him the required certificate of release form.

The fan was interviewed by the OCC. He denied interfering with the officers.

No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/14 **DATE OF COMPLETION:** 01/28/14 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/13 **DATE OF COMPLETION:** 01/14/14 **PAGE #1 of 6**

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

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

FINDINGS OF FACT: The complainant stated she was listening to her iPod while walking her dog that was off leash. The complainant stated the officer parked his patrol car, exited his vehicle, approached her from behind and immediately pushed her against the wall.

The complainant's friend, the co-complainant, stated the complainant and the officer had some discussion about the owner of the dog and a melee began between the two.

The officer stated he saw the complainant's dog off the leash in the middle of the street, while the complainant was calling for her dog. The officer spoke to the complainant through the patrol car passenger window and asked if the dog belonged to her, which she affirmed. The officer told the complainant to hold on and to get her dog from out of the street. When he exited his patrol car to cite the complainant for having her dog off the leash, the complainant began to walk away.

The officer stated he asked the complainant to stop, but she refused. The officer stated he then saw the complainant holding a clear plastic baggie with suspected narcotics in her left hand. The officer stated that when he attempted to place the complainant in handcuffs, she resisted. With the assistance of back up officers, the named officer was able to place the complainant in handcuffs.

While the complainant stated she had two witnesses, she failed to provide their contact information.

Having the complainant's dog off leash provided the named officer the reasonable suspicion to detain the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

FINDINGS OF FACT: The complainant stated the officer approached her from behind and immediately pushed her against the wall. The complainant said she repeatedly asked the officer what she had done and was only told to stop resisting and to be quiet. The complainant admitted pulling away from the officer when he was attempting to place her in handcuffs.

The complainant's friend, the co-complainant, stated the complainant and the officer had some discussion about the owner of the dog and a melee began between the two.

The officer denied the allegation. The officer said he spoke to the complainant from his patrol car to ask if the dog belonged to her, to remove the dog from the street and to "hold on." However, when he stepped out of his patrol car, the officer said the complainant began to walk away from him. As he approached her from the rear, he saw a clear plastic baggie of suspected narcotics in her left hand. The officer said based on his experience and training, he suspected the plastic baggie contained crack cocaine.

The officer said he attempted to place the complainant under arrest for the suspected narcotics and to cite her for the dog leash violation. He took his handcuffs out and placed one cuff on the complainant's left hand. He told the complainant she was under arrest for possession of the suspected narcotics. The officer stated the complainant resisted arrest and they ended up on the ground while he tried to gain control of her upper torso. He called for back up and officers arrived to assist him in handcuffing and arresting the complainant. The named officer stated the suspected narcotics went missing during the struggle with the complainant and could not be located.

The witness officers stated they did not observe the alleged baggie of suspected narcotics while at the scene.

While the complainant stated she had two witnesses, she failed to provide their contact information. 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 handcuffed the complainant without cause.

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

FINDINGS OF FACT: As stated above, the officer stated he attempted to place the complainant under arrest for possession of narcotics when she resisted.

While the complainant stated she had two witnesses, she failed to provide their contact information.

No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she was placed in tight handcuffs.

The officer stated he handcuffed and checked the complainant's handcuffs to make sure they were double-locked prior to placing her into the patrol car. The officer said he placed his thumb in the handcuffs to check for the appropriate fit. The officer denied that the complainant told him the handcuffs were too tight.

All of the witness officers and the station keeper denied that the complainant complained about the handcuffs being too tight.

No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-7: The officer used unnecessary force on the complainant during the arrest and while at the station.

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

FINDINGS OF FACT: The complainant stated that during the arrest, the officer punched, slammed her to the ground, and dragged her to the patrol car. The complainant said that while at the police station in the holding area, the officer stomped on her foot and struck her with his baton across her legs.

The named officer denied all of the alleged use of force. He stated that he attempted to control the complainant's upper torso while trying to handcuff her and attempted to control her person on the ground while waiting for units to arrive. He denied using any strikes, baton, or pepper spray on the complainant. The officer also denied that he stomped on the complainant's foot in the holding area. The officer said he advised the on scene supervisor of the incident and that no force was used on the complainant. Additionally, the named officer stated if the allegations were true, the complainant would have informed the station keeper and she would not have cleared the jail medical services.

The witness officers corroborated that the named officer did not use any force during the contact or arrest of the complainant, nor did the officer use any physical controls. The witness officers did not recall the complainant having complained of pain and/or injury. The witness officers said they did not observe any injury on the complainant and she did not request medical attention.

The supervisor stated the complainant was already handcuffed when he arrived. The supervisor stated that the named officer denied that he had used force on the complainant.

The SFPD medical screening card corroborated the accounts of the arresting and witness officers that the complainant was not ill or injured. Furthermore, the complainant's medical reports from the jail indicated only a minor complaint of pain to the complainant's right ring finger. There was no documentation of any injury and/or pain consistent with the complainant's chief complaint of being struck with a baton on her legs/thigh area.

While the complainant stated she had two witnesses, she failed to provide their contact information. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer engaged in threatening behavior and/or comments.

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

FINDINGS OF FACT: The named officer denied the allegation. No other witnesses came forward.

There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer engaged in inappropriate comments and behavior.

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

FINDINGS OF FACT: The co-complainant stated he went to the police station to ask what the complainant was being charged with. The co-complainant said the named officer came out and rudely told him that the complainant had “crack” on her, had been arrested for the “crack” and if there was anything else he wanted to know.

The officer denied the allegation. He said he was in the lobby and saw the co-complainant, who he recognized as one of the persons at the incident who had stepped into the street and would not comply with his commands for his safety. The officer stated that the co-complainant was in a relationship with the complainant and wanted to know why she had been arrested. The officer said he tried to assist the co-complainant and told him that the complainant was arrested for resisting arrest and for a drug charge. The officer denied that he used the word “crack” because he did not know the identity of the narcotics.

No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to report the use of force.

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

FINDINGS OF FACT: During the OCC interview, the complainant presented physical evidence of an elongated bruise primarily across her right thigh and a smaller bruise across her left thigh. The complainant alleged the named officer used force on her during the detention, the arrest and while at the police station. The OCC investigation revealed there was no use of force documented for this incident.

The officer denied that he used force on the complainant during the detention, the arrest, or while at the police station. The officer stated that the complainant did not complain of pain, did not state she was injured and did not complain of tight handcuffs. He also did not observe any visible injuries on the complainant. The officer stated, based on the answers the complainant provided to him, he did not request medical attention for her. He specifically asked the complainant about injuries and observed her having no injuries. The officer said the complainant was medically cleared at the jail and he is certain the complainant would have made the jail nurse aware of any complaint of pain or injuries from the incident.

The officer stated he advised his supervisor of the incident and that no force had been used on the complainant. The supervisor stated he asked the named officer if he had used any force at the scene and the officer told him he had not. The supervisor corroborated that he did not observe any physical injury on the complainant and she never complained of injuries at the scene nor at the station.

All of the witness officers corroborated there was no force used by the named officer. The station keeper corroborated that the complainant did not indicate she was injured.

There was no documentation of any injury and/or pain consistent with the complainant's chief complaint of being struck with a baton on her legs/thigh area.

While the complainant stated she had two witnesses, she failed to provide their contact information. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

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