

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/24/14    **DATE OF COMPLETION:** 08/08/14    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant was stopped for a taillight violation. The complainant stated that during the traffic stop, the named officers behaved inappropriately towards her and made inappropriate, threatening comments.

The named officers denied the allegation.

No witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #4 - 6:** The officers engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated she was racially profiled and treated like a criminal for a taillight violation. The complainant admitted that her vehicle's taillight was out.

The named officers were interviewed pursuant to OCC's Biased Policing Protocol. They denied that the complainant's race played a role in their decision to stop the complainant. They denied knowing the complainant's race prior to the traffic stop.

No witnesses were identified.

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

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**SUMMARY OF ALLEGATION #7:** The officer searched the complainant's vehicle without justification.

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

**FINDINGS OF FACT:** The complainant was initially stopped for a taillight violation. During the stop, the officers learned that the complainant had a suspended driver's license. The complainant stated the named officer searched her vehicle without her permission.

The named officer stated he conducted an inventory search pursuant to Department General Order 9.06, Vehicle Tows.

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

**SUMMARY OF ALLEGATION #8:** The officer pat searched the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that the officer told her to remove her keys from the ignition, hand them to him and get out of her car. She stated the officer kicked the inside of her legs and conducted a pat search. The complainant admitted that her vehicle taillight was out, that her driver's license was suspended, and that she had marijuana in the car.

The named officer stated he asked the complainant to step out of her vehicle based on the rash of robberies in the area. He stated he patted down her waistband and had her sit on the sidewalk.

No independent witnesses were identified.

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

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**SUMMARY OF ALLEGATION #9:** The named officer improperly pat searched the complainant.

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

**FINDINGS OF FACT:** The complainant stated the named officer aggressively searched her. She stated the officer pulled her ponytail, yanked her shirt, grabbed her hair tighter and stated, “don’t move.”

The named officer denied pulling the complainant’s hair. The named officer denied being aggressive with her search, using a search that was Academy trained and approved by the SFPD.

No independent witnesses were identified.

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

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**DATE OF COMPLAINT:** 01/30/14    **DATE OF COMPLETION:** 08/11/14    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that he was riding his bicycle and was stopped by the named officer and his partner because he failed to stop at a red light. The named officer pat searched the complainant despite the fact that the complainant cooperated fully with the officer's instructions and posed no threat to the officers.

The named officer stated that it was his practice to pat search anyone he detained or cited for an infraction. He stated he pat searched the complainant because he believed that bicyclists often carried tools such as screwdrivers (which potentially could be used as weapons) to repair their bicycles, and because he could not see the complainant's waistband. The named officer did not cite anything specific about the complainant that made him suspect the complainant was carrying a weapon.

The named officer's partner, who was serving as his Field Training Officer, confirmed that the named officer pat searched the complainant. He stated that there was nothing specific about the complainant that made him suspect the complainant might be armed or might have a weapon. Neither officer described behavior by the complainant that would make a reasonable officer suspect that he was armed.

The evidence established that the named officer lacked an articulable basis for believing the complainant was armed and dangerous and, therefore, lacked justification to search the complainant.

A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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**SUMMARY OF OCC-ADDED ALLEGATION #1:** The officer failed to comply with Department regulations concerning traffic stop data collection.

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

**FINDINGS OF FACT:** The evidence established that the named officer failed to make a Traffic Stop Data Collection Program entry for his traffic stop of the complainant.

The named officer stated he would have been responsible for making this entry since he initiated the stop of the complainant.

A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

**FINDINGS OF FACT:** The evidence established the named officer was serving as the Field Training Officer for a recruit officer. The evidence established the recruit officer pat searched the complainant despite the fact that he lacked an articulable basis for believing the complainant was armed and dangerous. The recruit officer stated that it was his practice to pat search anyone he detained or cited for an infraction. He also stated that during the period prior to this incident when the named officer was his Field Training Officer, he conducted traffic stops on approximately twenty-five bicyclists, all of whom he pat searched. The recruit officer stated he pat searched each bicyclist because he believed bicyclists often carried tools such as screwdrivers (which potentially could be used as weapons) to repair their bicycles. The recruit officer did not cite anything specific about any of these bicyclists that made him suspect they might be armed.

The named officer stated he was serving as the Field Training Officer for the recruit officer, who was acting on his directions when he pat searched the complainant. The named officer stated there was nothing specific about the complainant that made him suspect that he might be armed or might have a weapon. The named officer stated he had trained the recruit officer that he could pat search anyone he encountered who was wearing loose-fitting clothing that could potentially conceal a weapon.

The evidence established the recruit officer and the named officer lacked an articulable basis for believing the complainant was armed and dangerous and, therefore, lacked justification to search the complainant. The named officer was supervising the recruit officer during the final phase of his Field Training. The training that the named officer gave to the recruit officer concerning circumstances when a pat search could be conducted was contrary to SFPD policies and procedures and to established case law.

The evidence established that the named officer failed to ensure that his recruit officer complied with SFPD policies and with relevant law concerning pat searches. The evidence also established the recruit officer was responsible for making a Traffic Stop Data Collection Program entry for his traffic stop of the complainant, but failed to do so. As the recruit officer's Field Training Officer, the named officer was responsible for ensuring that the recruit officer complied with all Department regulations, including Department Bulletin 13-091, but failed to do so.

A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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**DATE OF COMPLAINT:** 02/14/14 **DATE OF COMPLETION:** 08/11/14 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he noticed a patrol car traveling at excessive speed and yelled for the vehicle to slow down. The complainant stated the officers stopped the car and detained him. He said the officers accused him of stepping out onto the roadway and of throwing an object at their vehicle.

Department records showed that the complainant was detained and cited for violation of California Vehicle Code section 21950(b), Right of Way at Crosswalks.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION#2:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated he noticed a patrol car traveling at excessive speed and yelled for the vehicle to slow down. The complainant stated the officers stopped the car and detained him. He said the officers accused him of stepping out onto the roadway and of throwing an object at their vehicle.

Department records showed that the complainant was detained and cited for violation of California Vehicle Code section 21950(b), Right of Way at Crosswalks. The named officer, who was the driver of the patrol car, denied driving at excessive speed as alleged by the complainant.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 02/14/14 **DATE OF COMPLETION:** 08/11/14 **PAGE#** 2 of 3

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

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

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

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

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

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



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**SUMMARY OF ALLEGATION #3:** 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 May 23, 2014.

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**DATE OF COMPLAINT:** 02/18/14    **DATE OF COMPLETION:** 08/07/14    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was at a public library when he was told to leave by one of the staff. When he refused, the police were called and he was subsequently arrested.

Records from the Department Emergency Management (DEM) show that DEM received a call regarding a trespassing. The named officer and his partner responded to the call and placed the complainant under arrest pursuant to a private person's arrest. The officers' actions were within DGO 5.04, Arrests by Private Persons.

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

**SUMMARY OF ALLEGATION #2:** The officer made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant said the named officer told him he had broken the law and was a criminal.

The named officer denied making the alleged comment.

Witnesses denied hearing the named officer make the alleged comment and described the officer as calm, respectful, and composed. Witnesses described the complainant as angry, arrogant and uncooperative.

No independent witnesses were identified.

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

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**DATE OF COMPLAINT:** 02/25/14      **DATE OF COMPLETION:** 08/22/14      **PAGE #1** of 2

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

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

**FINDINGS OF FACT:** The complainant stated that in 2011, she was wrongfully cited. The complainant did not have a copy of the citation and did not know the name of the officer who cited her.

In an attempt to identify the officer and obtain a copy of the citation, the OCC conducted various computer queries, contacted San Francisco Superior Court and other public agencies, with negative results. The incident could not be located and the identity of the alleged officer could not be established.

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

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

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

**FINDINGS OF FACT:** The incident could not be located and the identity of the alleged officer could not be established.

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

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**DATE OF COMPLAINT:** 02/25/14      **DATE OF COMPLETION:** 08/22/14      **PAGE #2** of 2

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

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

**FINDINGS OF FACT:** The incident could not be located and the identity of the alleged officer could not be established.

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

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**DATE OF COMPLAINT:** 03/01/14 **DATE OF COMPLETION:** 08/22/14 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant was stopped and cited for violation of California Vehicle Code section 23123(a), Hand Held Wireless Telephone Prohibited Use. The complainant and her daughter denied the violation.

The named officers stated that the complainant was stopped and cited after one of the named officers witnessed the above-mentioned violation.

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant was stopped and cited for violation of California Vehicle Code section 23123(a), Hand Held Wireless Telephone Prohibited Use. The complainant and her daughter denied the violation.

The named officer and his partner stated that the complainant was stopped and cited after the named officer witnessed the above-mentioned violation.

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant alleged that the officers behaved inappropriately. The complainant stated the officer who contacted her yelled at her and was rude and belligerent. The complainant stated the officer kept on interrupting her when she tried to explain. The complainant further stated that officer's partner yelled at her daughter when her daughter tried to get out of the car.

The named officers denied the allegation and stated that they were professional during the contact.

No independent witnesses were identified.

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

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**DATE OF COMPLAINT:** 03/05/14 **DATE OF COMPLETION:** 08/12/14 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant said the officers detained her without justification at a community outreach public event.

The officers stated a community outreach staffer requested their assistance and asked the officers to remove the complainant from the building. The officers stated the staffers advised them that the complainant was making inappropriate lewd and sexually explicit comments.

Witnesses corroborated that the complainant was engaging in inappropriate behavior and that they asked the officers to remove the complainant from the building.

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 used unnecessary force on the complainant.

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

**FINDINGS OF FACT:** The complainant stated the officers applied a pain-inducing twisting motion to her finger on her left hand while removing her from the building. The complainant stated the officers caused her pain and injury.

The officers denied engaging in the alleged behavior. One officer stated that she placed the complainant into a Department-trained control hold, but denied that she twisted the complainant's fingers.

Three witnesses stated they did not see officers engage in the alleged behavior. One of the witnesses stated the complainant was cooperative with the police and he did not hear the complainant complain of pain.

A patient care report, taken the same day of the incident, documented a sprained finger on the complainant's hand. No other witnesses came forward.

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

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**SUMMARY OF ALLEGATIONS #5:** The officer behaved inappropriately and/or made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant stated the officer made an inappropriate comment.

The named officer denied the allegation.

A witness officer denied hearing the alleged comment.

No witnesses were identified to this allegation.

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



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**DATE OF COMPLAINT:** 03/18/14    **DATE OF COMPLETION:** 08/12/14    **PAGE #** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that he was crossing Market Street with several other people on either a yellow or red light. He stated that he was stopped by officers and cited for crossing against a red light, while no other people were cited.

No information could be located to identify the incident or the involved officers. The court liaison was unable to find a citation for the complainant on the date of this incident. The complainant was unresponsive in providing additional information about the citation that he received.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated that he was the only person cited, although others were crossing the street at the same time. The complainant thinks he was the only person who was stopped because he is Latino and officers are racist.

No information could be located to identify the incident or the involved officers. The court liaison was unable to find a citation for the complainant on the date of this incident. The complainant was unresponsive in providing additional information about the citation that he received.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the officer who cited him told him to shut up.

No information could be located to identify the incident or the involved officers. The court liaison was unable to find a citation for the complainant on the date of this incident. The complainant was unresponsive in providing additional information about the citation that he received.

No witnesses were identified.

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

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**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 having a verbal dispute with security personnel at a pub when he was approached by an unknown officer in a threatening manger.

A search of Department records via sector search came back with negative results. An Officer Poll sent to the district station where the incident occurred also came back with negative results.

The identity of the alleged officer has not been established.

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 stated the officer used profanity.

A search of Department records via sector search came back with negative results. An Officer Poll sent to the district station where the incident occurred also came back with negative results.

The identity of the alleged officer has not been established.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the officer displayed his weapon without justification.

A search of Department records via sector search came back with negative results. An Officer Poll sent to the district station where the incident occurred also came back with negative results.

The identity of the alleged officer has not been established.

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

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

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

**FINDINGS OF FACT:** The complainant stated that officers refused to provide him with a copy of the citation he had signed.

The named officer stated he believed he cited the complainant. He denied refusing to provide the complainant a copy of the citation.

The complainant, however, stated he was cited by another officer, not by the named officer. The complainant could not identify the officer who cited him.

The named officer could not locate the copy of the citation and, similarly, the City's traffic court could not locate a citation issued to the complainant on the date of incident.

No other witnesses came forward.

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

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

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

**FINDINGS OF FACT:** The complainant said the named officer handcuffed him and jerked him around by the handcuffs in a pain-inducing manner that caused swelling to his wrist.

The named officer said he handcuffed the complainant but denied behaving in the alleged manner.

Witness officers either did not recall the contact or said they were not present at the time of the contact.

No other witnesses were identified.

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

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**SUMMARY OF ALLEGATIONS #4 & 5:** The officers made inappropriate comments and/or engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant said two officers made inappropriate comments while he was being detained.

The named officer denied making any of the alleged comments. The named officer could not identify other officers who were with him at the time of his contact with the complainant.

Witness officers either did not recall the contact or said they were not present at the time of the contact.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATION #6:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant said the named officer used profanity several times.

The officer denied the allegation.

Witness officers either did not recall the contact or said they were not present at the time of the contact.

No other witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officer asked the manager the location of his room, which he took as a threat. The complainant stated after being interviewed, the named officer told him to go back to his room.

The named officer denied that he intended to threaten the complainant. He stated the complainant had accused a staff member of trying to enter his room. The officer stated he asked the complainant the location of his room as part of his investigation to determine the location of the staff member's job duties in relation to the vicinity of the complainant's room. The officer stated he often has to gather information from suspects and victims for reports. The officer acknowledged that following his interview of the complainant, he asked him to go back to his room to deescalate the dispute between the complainant and the manager.

The manager/witness of the hotel stated he called police after the complainant made threats against his family and another member of the staff. The manager stated this was the complainant's second death threat against a staff member. The manager stated the complainant has a history of making false complaints, experiences delusions and has issues perceiving reality. The manager stated the responding officers were professional.

Another witness stated he was not present when officers arrived and did not hear the threats made by the complainant. The witness stated his manager sent him home for his own safety.

OCC's investigation showed that two officers responded to an "A" priority call of reported threats at a residential hotel. The witness and responding officers corroborated that the complainant was extremely agitated, would not stop yelling and, exhibited volatile and aggressive behavior.

OCC's investigation established that the named officer's actions were reasonable in his effort to establish and gather facts and to maintain peace amongst the involved parties. There is no evidence to support the complainant's claim of the alleged threat and/or inappropriate behavior.

The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act acted.

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

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

**FINDINGS OF FACT:** The complainant stated the officer was rude and told him, “Sit down and shut up.”

The named officer stated he did not address the complainant in the way described. The officer stated the complainant appeared to be very agitated, was yelling loudly, pacing around and was animated with his arms. The named officer stated the complainant was approximately a foot taller than him and substantially heavier. The officer stated in his effort to deescalate the complainant’s agitation, he asked the complainant, “Why don’t you sit down and stop yelling so I can talk with you?”

The manager of the hotel stated he called police after the complainant made threats against his family and another member of the staff. The manager stated he did not observe the officers to be anything other than professional. The manager stated the officers were trying to get information from the complainant, but the complainant was uncooperative.

OCC’s investigation established that two officers responded to an “A” priority call of reported threats at a residential hotel. The witness and responding officers corroborated that the complainant was extremely agitated, would not stop yelling and exhibited volatile and aggressive behavior.

No other witnesses came forward.

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



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

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

**FINDINGS OF FACT:** The complainant stated he was riding a large, non-motorized scooter when he was stopped and cited for violation of California Vehicle Code section 21201(d), Equipment Requirements. The complainant stated that the named officer told him that he [complainant] could get points on his driving record for going through a red light. The complainant stated he was upset by the comment because he was not driving a motorized vehicle.

The named officer admitted making the comment. While the named officer's comment was inaccurate, the comment did not rise to a level of misconduct.

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

**SUMMARY OF OCC-ADDED ALLEGATION #1:** The officer failed to comply with Department Bulletin 14-059, Traffic Stop Data Collection Program Information.

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

**FINDINGS OF FACT:** Department Bulletin (DB) 14-059 requires that officers collect and enter traffic stop data after any vehicle stops related to: "Moving violations, including bicycles and pedestrians, MPC violations, Penal Code violations, Transportation Code violations, 916 vehicles and high-risk stops, Mechanical or non-moving violations, etc." As the senior officer, the named officer had a duty to ensure that the required data was collected and entered pursuant to DB 14-059. The Department had no record of the traffic stop data being collected and entered.

A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/10/14 **DATE OF COMPLETION:** 08/22/14 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant was stopped and cited for violation of California Vehicle Code section 22450(a), Stop Requirements. The complainant denied that he failed to stop at an intersection.

The named officers stated they stopped and cited the complainant after witnessing the violation.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant was stopped and cited for violation of California Vehicle Code section 22450(a), Stop Requirements. The complainant denied that he failed to stop at an intersection.

The named officers stated they stopped and cited the complainant after witnessing the violation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/10/14 **DATE OF COMPLETION:** 08/22/14 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #4:** The officer wrote an inaccurate citation.

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

**FINDINGS OF FACT:** The complainant stated he was not sure if the named officer properly identified on the citation the correct intersection where the alleged traffic violation occurred.

The named officer and his partner denied the allegation.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/29/14    **DATE OF COMPLETION:** 08/08/14    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated two officers pushed him to the ground outside a public library.

No security video was located.

An Office Poll was sent to the district station with negative results.

No witnesses were identified.

The identity of the alleged officers has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/02/14 **DATE OF COMPLETION:** 08/11/14 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 29, 2014.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/04/14    **DATE OF COMPLETION:** 08/25/14    **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 he asked the officers to take a report for a crime that he had witnessed, but the officers refused to take a police report.

Both officers denied the allegation. Both officers stated that the complainant never told them that he had either witnessed a crime or that he wanted a report for the crime he had witnessed.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officer called him names and yelled at him.

The named officer and his partner denied the allegation

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:** 05/23/14 **DATE OF COMPLETION:** 08/07/14 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers were inattentive to their duties.

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

**FINDINGS OF FACT:** The complainant stated that she observed the officers being inattentive to their duties when the officers stopped at a cleaners.

Both officers stated that they did not recall the incident.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #3:** The officer drove improperly.

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

**FINDINGS OF FACT:** The complainant stated that she observed the officer improperly drive a patrol car by making an illegal left turn without using turn signals or emergency lights or siren and screeching the vehicle tires during the turn.

The named officer stated she did not recall this incident but stated that she engages in proper driving at all times.

The named officer's partner did not recall the incident.

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:** 06/19/14   **DATE OF COMPLETION:** 08/08/14   **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant was an onlooker who reported the named officer used profane language towards an elderly man who was being detained. The complainant stated that when he objected to the officer's use of profane language, the officer responded to him with the use of profanity.

The named officer and his partner did not recall the use of profane language.

Witnesses interviewed by the OCC did not support the use of profane language.

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:** 07/08/14    **DATE of COMPLETION:** 08/27/14    **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 she was riding her bicycle when she passed a man who threw a firecracker at her. The complainant called 9-1-1 to report the incident. The complainant stated that the responding officer was rude, intimidating, disinterested and made inappropriate comments to her.

The named officer and a witness officer both denied the allegation. Both officers stated that the complainant was belligerent towards them and would not cooperate with their investigation to determine if a crime had occurred.

There were no independent witnesses identified by either the complainant or the officers.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/09/14 **DATE OF COMPLETION:** 08/11/14 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 29, 2014.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 29, 2014.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/12/14 **DATE OF COMPLETION:** 08/12/14 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The complainant stated police came to his residence following his psychotherapist's recommendation that officers perform a well-being check.

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

**FINDINGS OF FACT:** The complaint requested a withdrawal of the complaint. Pursuant to the OCC withdrawal policy, the complainant's request to withdraw his complaint was recorded. The complainant stated he was not coerced into a withdrawal and did so of his own free will.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/29/14 **DATE OF COMPLETION:** 08/22/14 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** In his written complaint, the complainant stated that an officer drove past him in an inappropriate manner. The complainant did not provide identifying information regarding the officer in his written complaint. The complainant has not responded to OCC's numerous requests for an interview.

An Officer Poll sent to the district station where the incident occurred came back with negative results.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/05/14 **DATE OF COMPLETION:** 08/08/14 **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 complainant raises matters not rationally within OCC's jurisdiction.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/07/14 **DATE OF COMPLETION:** 08/15/14 **PAGE #** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/07/13    **DATE OF COMPLETION:** 08/06/14    **PAGE#** 1 of 5

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

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

**FINDINGS OF FACT:** The complainant was playing amplified music on the street when the named officers approached him and requested identification. The complainant did not provide his identification and asked the officers what their justification was for asking for his identification. The officers then detained the complainant.

The named officers denied the allegation. They stated they responded to Calls for Service regarding loud music. They observed the complainant playing a guitar using an amplifier, an infraction. They stated they asked the complainant for identification. The complainant told them he had no identification on him, prompting the officers to detain the complainant.

Department General Order 5.03 states that an officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity.

Records from the Department of Emergency Management show that there were two calls regarding a noise complaint. The named officers responded and proceeded to cite 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**

**DATE OF COMPLAINT:** 08/07/13    **DATE OF COMPLETION:** 08/06/14    **PAGE#** 2 of 5

**SUMMARY OF ALLEGATIONS #3 & 4:** The officers issued an invalid order.

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

**FINDINGS OF FACT:** The complainant stated the officers unlawfully ordered him to stop playing his guitar through an amplifier on a public street, violating his First Amendment rights.

The officers denied the allegation. The officers stated they told the complainant that he could not play his music using an amplifier although he could play “unplugged,” as the complainant did not have a permit for his use of a sound amplifier.

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 #5 & 6:** The officers handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The complainant was playing amplified music on the street when two officers approached him and requested identification. The complainant stated he did not provide identification and that he then asked the officers what authority allowed them to ask for his identification. He stated the officers took his guitar from his hand and handcuffed him.

The officers denied the allegation. They stated they detained the complainant for illegal use of an amplifier and asked for his identification in order to cite him for an infraction. They stated the complainant told them he had no identification in his possession. The officers stated they handcuffed the complainant and placed him in their patrol car with the intent of transporting him to a police station to verify his identity. The officers stated that the complainant provided them with identification once he was detained in the patrol car. They then cited and released him.

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:** 08/07/13    **DATE OF COMPLETION:** 08/06/14    **PAGE#** 3 of 5

**SUMMARY OF ALLEGATIONS #7 & 8:** The officers searched the complainant without probable cause.

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

**FINDINGS OF FACT:** The complainant stated the officers searched him at a police car without cause.

The officers denied the allegation. They stated the complainant told them he had no identification on him. They stated they conducted a pre-transportation search prior to placing the complainant in their patrol car for officer safety.

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 #9:** The officer issued a citation without justification.

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

**FINDINGS OF FACT:** The complainant stated the officer cited him for playing an amplified bass guitar on a public sidewalk without a permit. He stated that his conduct is not prohibited and no permit is required.

The officer denied the allegation and informed the complainant he could play “unplugged.” He obtained the police code section from a supervisor and cited the complainant for playing amplified music. The evidence established that the complainant was properly cited for violation of San Francisco Municipal Police Code section 43, Permits for Use of Loudspeaker or Sound Amplifying Equipment Outside Buildings or Out of Doors.

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:** 08/07/13    **DATE OF COMPLETION:** 08/06/14    **PAGE#** 4 of 5

**SUMMARY OF ALLEGATION #10:** The officer wrote an inaccurate citation.

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

**FINDINGS OF FACT:** The complainant stated the officer inaccurately cited him for playing amplified bass guitar on a public sidewalk without a permit, stating no permit was required.

The evidence established that the complainant was properly cited for violation of San Francisco Municipal Police Code section 43, Permits for Use of Loudspeaker or Sound Amplifying Equipment Outside Buildings or Out of Doors.

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 #11 & 12:** The officers made inappropriate comments/acted in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant stated the officers made inappropriate, derogatory comments when he explained his position regarding his right to play amplified music on the street.

The officers denied making the comments as alleged by the complainant.

One witness did not respond to OCC's requests to contact the OCC.

The second witness did not witness the entire contact.

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:** 08/07/13    **DATE OF COMPLETION:** 08/06/14    **PAGE#** 5 of 5

**SUMMARY OF ALLEGATIONS #13 & 14:** The officers engaged in biased policing based on race.

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

**FINDINGS OF FACT:** The complainant alleged that the officers engaged in biased policing.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. They denied the complainant's allegation.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/11/14      **DATE OF COMPLETION:** 08/20/14      **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer threatened and/or intimidated the complainant.

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

**FINDINGS OF FACT:** The complainant stated that on a specific date and time, he was standing on a sidewalk when the officer drove by the complainant in an unmarked police car. The complainant stated that the officer stared at him in an intimidating and threatening manner. No contact was made between the complainant and the named officer.

SFPD records revealed the named officer was not working on the date that the complainant stated this incident occurred.

The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

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

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

**FINDINGS OF FACT:** The complainant stated that on a specific date and time, he was standing on a sidewalk when the officer drove by the complainant in an unmarked police car. The complainant stated that the officer stared at him in an intimidating and threatening manner. The complainant stated he was being harassed by the named officer. No contact was made between the complainant and the named officer.

SFPD records revealed the named officer was not working on the date that the complainant stated this incident occurred.

The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/12/13    **DATE OF COMPLETION:** 08/13/14    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to comply with DGO 7.01 regarding juvenile procedures.

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

**FINDINGS OF FACT:** The complainant stated her 15-year-old son was arrested after he cut a cab driver's neck with a razor blade during a fare dispute. The complainant stated the named officers failed to *Mirandize* her son. The complainant stated her son was not allowed to make phone calls and the named officers interrogated him without a parent or attorney present. The complainant stated her son was incarcerated because the named officers took too long to notify her that her son was in custody.

The named officers stated the complainant's son was *Mirandized* within minutes of being arrested. A named officer stated he briefly questioned the complainant's son without his parent or attorney present because of the exigent circumstances in trying to locate the victim. The named officer stated he stopped asking the complainant's son questions when he said he did not want to talk anymore. The named officers stated the complainant's son did not ask to make any phone calls. One of the officers stated the complainant's son requested that he not call his mother. The named officers stated the complainant's son used an alias and did not immediately provide his mother's name or contact information. The named officers stated they notified the complainant as soon as they learned her name and phone number. The named officers stated the complainant's son was incarcerated upon the orders of an officer at the Juvenile Community Assessment and Referral Center.

Records from the Department of Emergency Management and the Department indicate the complainant's son identified himself using an alias.

The complainant refused to allow the OCC to interview her son. She failed to sign a Juvenile Consent Form, preventing the OCC from gathering additional evidence pertaining to her son's arrest.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/12/13    **DATE OF COMPLETION:** 08/13/14    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer failed to comply with DGO 7.01 regarding juvenile procedures.

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

**FINDINGS OF FACT:** The complainant stated that her 15-year-old son was arrested after he cut a cab driver's neck with a razor blade during a fare dispute. The complainant stated the officer failed to *Mirandize* her son and interrogated him without a parent or attorney present.

The named officer stated he *Mirandized* the complainant's son and informed him of his right to have a parent or attorney present during questioning. The named officer stated the complainant's son waived his *Miranda* rights and did not request the presence of a parent or attorney.

The complainant refused to allow the OCC to interview her son. She failed to sign a Juvenile Consent Form, preventing the OCC from gathering additional evidence pertaining to her son's arrest.

The complainant failed to provide additional requested evidence.

**SUMMARY OF ALLEGATIONS #4-5:** The officers retaliated against the complainant's son.

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

**FINDINGS OF FACT:** The complainant stated her son was arrested and booked at the Juvenile Justice Center after he cut a cab driver's neck with a razor blade during a fare dispute. The complainant stated she called a district station to complain about the named officers' treatment of her son. The complainant stated the named officers added a robbery charge against her son in retaliation for her complaint.

The named officers stated they were unaware the complainant called to complain about her son's treatment. The named officers stated the robbery charge against the complainant's son was added by the District Attorney's office.

Department records indicated the named officers did not charge the complainant's son with robbery.

The evidence proved the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/12/14      **DATE OF COMPLETION:** 08/25/14      **PAGE #1 of 1**

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

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

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

SFMTA  
11 South Van Ness Avenue  
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/15/14 **DATE OF COMPLETION:** 08/22/14 **PAGE #1** of 1

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

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

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



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/13/14    **DATE OF COMPLETION:** 08/27/14    **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/18/14 **DATE OF COMPLETION:** 08/20/14 **PAGE#** 1 of 1

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

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

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

Office Of The City Attorney  
1390 Market Street -7<sup>th</sup> Floor  
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/18/14 **DATE OF COMPLETION:** 08/20/14 **PAGE #1** of 1

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

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

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

Internal Affairs Department  
San Francisco Sheriff's Department  
25 Van Ness Avenue, Room 350  
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/18/14    **DATE OF COMPLETION:** 08/27/14    **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/19/14    **DATE OF COMPLETION:** 08/22/14    **PAGE#** 1 of 1

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

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

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

Division of Emergency Communications  
Department of Emergency Management  
1011 Turk Street  
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/20/14 **DATE OF COMPLETION:** 08/21/14 **PAGE#** 1 of 1

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

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

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

San Francisco Division of Adult Parole Units #1 and #3  
Attn: Administration  
1727 Mission Street  
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/28/13      **DATE OF COMPLETION:** 08/18/14      **PAGE #1** of 6

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

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

**FINDINGS OF FACT:** The complainant stated that her fiancé was leaving a store and was about to jaywalk when he saw a police car go by. He changed his mind and decided to go to the crosswalk instead. After he crossed at the intersection, he got into the complainant's vehicle. Almost immediately, the two named officers walked up to her car and accused her fiancé of illegally crossing the street and asked for his identification.

The complainant's fiancé did not come forward.

The named officers stated they clearly saw the complainant's fiancé illegally cross the street between two protected intersections. They attempted to detain him to cite him, but he ran from the scene.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #3-6:** The officers detained the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that police detained her fiancé, who was on parole, as he was sitting in the complainant's vehicle. Her fiancé got into a struggle and ran from police. The officers chased after him, leaving her alone in her car. She stated that because she was in a dangerous area, she drove off. Shortly, thereafter, she was pulled over by several other officers.

The officers stated that they received a call that there was a parolee who had run from police and that his companion, the complainant, had driven away from the initial scene in her vehicle. The radio call asked for assistance in locating and detaining the complainant for resisting arrest. The named officers were able to locate the complainant and her vehicle and they detained her for further investigation.

Department General Order 5.03 allows a police officer to briefly detain a person for questioning or request identification only if the officer has reasonable suspicion that the person's behavior is related to criminal activity.

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:** 08/28/13      **DATE OF COMPLETION:** 08/18/14      **PAGE #2** of 6

**SUMMARY OF ALLEGATIONS #7-10:** The officers displayed their weapons without justification.

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

**FINDINGS OF FACT:** The complainant stated she was detained at gunpoint.

The named officers stated that they could not recall if they drew their firearms. They stated that if they did it would have been justified because they knew that a violent parolee had recently been in the vehicle and there was the possibility of danger to themselves and others in the area.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #11-16:** The officers searched the vehicle without cause.

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

**FINDINGS OF FACT:** The complainant stated that police detained her fiancé, who was on parole, as he was sitting in her car. Her fiancé got into a struggle and ran from police. The officers chased after her fiancé, leaving her alone in her car. Because she was in a dangerous area, she drove off. Shortly, thereafter, she was pulled over and her vehicle was searched.

The officers stated that a parolee with a search condition and who had run from police was recently inside the complainant's vehicle. Because of the search condition, officers were allowed to search the vehicle for any evidence left behind by the parolee.

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  
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**DATE OF COMPLAINT:** 08/28/13      **DATE OF COMPLETION:** 08/18/14      **PAGE #3 of 6**

**SUMMARY OF ALLEGATION #17:** The officer used unnecessary force during the arrest.

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

**FINDINGS OF FACT:** The complainant stated that her fiancé was being detained by police when he broke free from an officer and ran away. She did not see her fiancé for several hours, but when she did, he had a bloody mark on his face and he told her that the police had beaten him.

The named officer stated that he went to search for the complainant's fiancé and he located him at a phone booth at the bus terminal, several blocks away from the initial scene. The officer approached the fiancé, possibly with his firearm drawn, and told him he was under arrest. The fiancé did not put up any resistance and was handcuffed and arrested. The officer stated that he noticed a red mark on the man's face. He does not know how the injury occurred. The officer denied using any force.

The complainant's fiancé failed to respond to OCC's request for an interview.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #18:** The officer used unnecessary force during the arrest.

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

**FINDINGS OF FACT:** The complainant stated that the police detained her fiancé, who was on parole, as he was sitting in her car. A male officer grabbed her fiancé by the shoulder and waist and slammed him against her vehicle. He then broke free from the officer and ran away.

The named officer stated he told the complainant's fiancé to exit the vehicle for a parolee search. The complainant's fiancé got out of the car and initially put his hands on top of his head like he was about to comply with the search. The complainant's fiancé then shook away from the officer's grip. They were struggling back and forth and were both on the ground. The complainant's fiancé was able to get free of the officer and ran away. The officer sustained minor injuries in the struggle. He denied slamming the complainant's fiancé against the vehicle.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/28/13      **DATE OF COMPLETION:** 08/18/14      **PAGE #4** of 6

**SUMMARY OF ALLEGATION #19:** The officer searched the complainant's personal property without cause.

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

**FINDINGS OF FACT:** The complainant stated that she was detained by several officers after her fiancé, who was on parole at the time, fled from police. The complainant alleged that the named officer took her phone and began searching it.

The officer denied looking through the complainant's phone.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #20:** The officer cited the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that the police detained her fiancé, who was on parole, as he was sitting in her car. Her fiancé got into a struggle and ran from the police. The officers chased after her fiancé, leaving her alone in her car. Because she was in a dangerous area, she drove off. Shortly thereafter, she was pulled over and cited for resisting arrest.

The named officer stated she initially approached the complainant and her fiancé because the fiancé had illegally crossed the street before getting into the complainant's vehicle. The officer ordered the complainant to shut down her vehicle. The officer soon learned the fiancé was on parole and the fiancé ran from police. Both the named officer and her partner ran after the fiancé. They lost the fiancé and when they returned to where the initial contact occurred, the complainant had left the area against their orders. Once they located the complainant again, she was detained and cited for resisting arrest because she fled from police.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/28/13      **DATE OF COMPLETION:** 08/18/14      **PAGE #5** of 6

**SUMMARY OF ALLEGATION #21:** The officer searched the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that she was detained by several officers after her fiancé, who was on parole at the time, fled from police. She stated that a female officer searched her, reached into the complainant's bra and pulled out her phone.

The named officer said she performed a brief search of the complainant to search for weapons but denied reaching into her bra and pulling out a phone.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #22:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated that the named officer used profanity towards her and fiancé.

The complainant's fiancé failed to respond to OCC's request for an interview.

The named officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/28/13      **DATE OF COMPLETION:** 08/18/14      **PAGE #6 of 6**

**SUMMARY OF ALLEGATION #23:** The officer behaved inappropriately and/or made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that the named officer threatened her several times, including threats of arrest, towing her vehicle and taking her children away. The named officer also told her that her fiancé was not a good man and that the complainant was “not too bright.”

The officer denied making the statements or acting in a threatening or inappropriate manner.

No independent witnesses were identified.

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

**SUMMARY OF OCC-ADDED ALLEGATION #1:** The officer failed to collect and enter traffic stop data following a traffic stop.

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

**FINDINGS OF FACT:** The OCC alleged that the officer conducted a traffic stop and then failed to enter the required traffic stop data before the end of his shift.

There was no evidence that the data had been entered.

The named officer did not remember if the traffic stop data was entered. He was unable to present evidence that the data was entered.

A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard of evidence the applicable regulations of the department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/22/14    **DATE OF COMPLETION:** 08/25/14    **PAGE#** 1 of 1

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

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

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

Office of the Treasurer and Tax Collector  
City and County of San Francisco  
City Hall Room 140  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/06/13    **DATE OF COMPLETION:** 08/21/14    **PAGE #1** of 2

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

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

**FINDINGS OF FACT:** The complainant stated the police responded when a man ran into her house, pushed her and tried to climb out a window, causing her and her family to experience anxiety requiring mental health treatment. The incident report states that she and her family did not want to get involved and, therefore, they were not listed as victims or witnesses in the report. The complainant stated the report was inaccurate.

The named officer stated the complainant, her family and her roommate all declined to be further involved with the incident for fear of retaliation from the suspect.

The complainant, her husband and her roommate stated they did not say that they did not want to be involved with the incident.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #2-4:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated the named officers let the suspect go without arresting him for entering her home and for pushing her. The complainant stated she was never asked if she wanted a citizen's arrest and she assumed that the suspect was going to be arrested for assaulting her.

The named officers claim that, without a signed citizen's arrest, they could not charge the suspect because this was at most a trespassing misdemeanor not committed in their presence. The officer who took Spanish-language statements from the complainant, her husband, and her roommate said that the arresting officers were not aware of an assault.

The named officers all said that the complainant and her family declined to be identified, to press charges or to be further involved in the case for fear of retaliation.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/06/13      **DATE OF COMPLETION:** 08/21/14      **PAGE #2 of 2**

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

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

**FINDINGS OF FACT:** Department General Order 5.20.III.J. states:

- J. **INCIDENT REPORTS.** Whenever an incident report is prepared regarding an incident involving an LEP person, the incident report shall identify the primary language spoken by the LEP individual, the person who provided the interpretation, and the manner in which interpretation services were provided.

The named officer, who prepared the incident report, admitted that he failed to meet the requirements set forth in DGO 5.20.

A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**SUMMARY OF OCC ADDED ALLEGATION #2:** The officer failed to properly supervise.

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

**FINDINGS OF FACT:** The incident report shows that the named officer reviewed and approved an incident report even though the report failed to comply with requirements set forth in DGO 5.20.

The named officer admitted that he overlooked the report requirements in regards to DGO 5.20 but believed that it had no bearing on the original incident. The named officer stated he was aware that the interpreting officer was present at the scene providing language assistance to the occupants in the house. He acknowledged that the report did not state who provided language assistance as required by DGO 5.20.

A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/10/13    **DATE OF COMPLETION:** 08/11/14    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant is a street performer who plays un-amplified music. He stated that he was drumming his buckets in a public street in the early afternoon when the named officer, who was responding to noise complaints, ordered him to stop and subsequently cited him for no apparent reason.

The named officer, who was responding to numerous noise complaints, stated that after investigating the noise complaints, he cited the complainant.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officer told him every time he saw him, he would cite him.

The officer denied the allegation. He denied targeting the complainant for enforcement. He stated that he told the complainant if he continued playing, he could potentially be cited again for a continuing offense.

No witnesses came forward.

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



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**DATE OF COMPLAINT:** 09/10/13    **DATE OF COMPLETION:** 08/11/14    **PAGE#** 2 of 2

**SUMMARY OF OCC-ADDED ALLEGATION #1:** The officer inaccurately cited the complainant.

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

**FINDINGS OF FACT:** The complainant was cited for violation of San Francisco Police Code section 48(a), License Required. OCC's investigation established that the named officer used the wrong section and that the complainant should have been cited for 49(a), Unnecessary Noise, Authorized Emergency Vehicles. Because the wrong section was used, the citation was invalidated and was never processed.

While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error caused harm to the complainant or others). The evidence shows that the clerical error did not rise to the level of misconduct.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/24/13    **DATE OF COMPLETION:** 08/13/14    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was driving with his cousin when he noticed in front of him two men being detained by the named officers. When he put his vehicle in reverse, a marked police vehicle pulled up behind him. The complainant stated he was then detained and placed in handcuffs and asked to sit on the sidewalk while the named officers searched his vehicle without his permission.

One of the named officers stated that on the day of the incident, he and his unit received information about recent gun-related incidents involving a gang that the complainant and his friends belonged to. The officer stated the complainant and his friends were detained because they were suspects in the recent gang activity and that one of the complainant's passengers was on parole and the other was on probation. This named officer, however, stated he could not recall having any direct contact with the complainant because his focus was on other gang members that were detained down the hill from where the complainant was stopped.

The other named officer stated that several hours prior to the complainant's detention, a homicide occurred three blocks away from where the complainant was detained. He stated the complainant's vehicle matched the suspect's vehicle in the homicide. In addition, the officer stated that one of the complainant's passengers was on probation and the other was on parole.

Department General Order 5.03, Investigative Detentions, states, in part:

A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, however, must have a specific and articulable facts to support his/her actions; a mere suspicion or "hunch" is not sufficient cause to detain a person or to request identification.

The complainant stated that he and his cousin were the only ones in the vehicle. The complainant denied that he or his cousin was on probation and/or parole. Efforts to obtain additional information from the complainant were unsuccessful.

No independent witnesses were identified.

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

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**DATE OF COMPLAINT:** 09/24/13    **DATE OF COMPLETION:** 08/13/14    **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant stated the named officers searched him and his cousin.

One of the named officers denied searching the complainant and the other named officer did not recall searching the complainant.

One witness officer stated that all of the subjects detained were pat-searched for weapons, but he could not recall which of the plainclothes officer conducted the search. Another witness officer did not know who searched the complainant for weapons.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #5:** The officer searched the complainant's vehicle without cause.

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

**FINDINGS OF FACT:** The complainant stated he was driving with his cousin when he noticed in front of him two men being detained. When he put his vehicle in reverse, a marked police vehicle pulled up behind him. The complainant stated he was then detained and placed in handcuffs and asked to sit on the sidewalk while his vehicle was searched.

The named officer stated that several hours prior to the complainant's detention, a homicide occurred three blocks away from where the complainant was detained. He stated the complainant's vehicle matched the suspect's vehicle in the homicide. In addition, the officer stated that one of the complainant's passengers was on probation and the other was on parole, prompting him to search the complainant's vehicle for weapons.

The complainant stated he and his cousin were the only ones in the vehicle. The complainant denied that he or his cousin was on probation and/or parole. Efforts to obtain additional information from the complainant were unsuccessful. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #6:** The officer damaged the complainant's vehicle.

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

**FINDINGS OF FACT:** The complainant stated that his vehicle was damaged during the search.

The named officer denied the allegation. The witness officers did not recall any damage to the complainant's vehicle.

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

**SUMMARY OF ALLEGATION #7:** The officers failed to issue the complainant a Certificate of Release.

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

**FINDINGS OF FACT:** The complainant stated he and his cousin were detained and placed in handcuffs.

Two uniformed officers confirmed that the subjects detained were placed in handcuffs.

The named officer and his partner did not recall whether the complainant was placed in handcuffs.

SFPD General Order 5.03 II.A.3., states:

**PHYSICAL RESTRAINT.** If you take the detained person to a police facility or physically restrained the person, issue a Certificate of Release.

There is no record of a Certificate of Release being issued to the complainant on the day of the incident.

The named officer was the supervising officer on scene. As the supervising officer, he was responsible for ensuring that the complainant was issued a Certificate of Release.

A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/28/13    **DATE OF COMPLETION:** 08/22/14    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated she saw a police officer standing near a pile of blankets. The officer used his foot to nudge the man beneath the blankets and was instructing him to get up and move. The complainant turned away to continue walking and, when she looked back, the blankets had been removed from the sleeping man. She stated the police officer then began using his forearm to hit the man in the head. She stated the man did not appear to be threatening. The complainant stated another bystander told her that the man had thrown something at the officer while the complainant had her back turned, and that was when the officer began striking the man with his forearm.

The named officer stated the building security manager brought the sleeping man to his attention and asked if he could have the man removed from the front of their premises. The officer approached the man and gently tapped on his feet with his hand, attempting to wake him up and requesting that he gather his belongings and leave. The man removed the covers that he had over his head, sat up and told the officer that he was not going to move. He proceeded to put the covers back over his head and proceeded to lie down, ignoring the officer's request to move. The man rolled onto his side so that he was now facing the street. At that point, the officer removed the covers and again attempted to get the man up. He stated the man grabbed a bag and threw it at him, hitting him in the lower leg. The officer walked around the back of the man and stepped off the curb into the street so that he was facing the man while the man was still lying on his side. The officer said he tried to remove a pillow-like object from under the man's head in an effort to get the man to comply. As he grabbed the object, the man suddenly sat up and punched the officer in the chest. The officer said he struck the man with a closed fist two times. The man rolled onto his stomach and tucked his hands under his chest so the officer could not gain control and handcuff him. The officer delivered a knee strike to the rib area, possibly the left side, and the man continued to struggle. The man took his left hand from under his body and attempted to strike the officer with his elbow as the officer was straddled on his buttocks. At that point, the officer delivered an elbow strike to the neck/back of head area. The officer stated that throughout the struggle, he was giving orders to give him his hands and stop resisting. After a short struggle, the man was placed in handcuffs.

Multiple witnesses describe the officer using force, which was documented in an incident report by the named officer, as well as investigated by a superior officer. Two witnesses, who are security guards at the building, did not see any force used but stated that the man threw an object at the officer, striking him in the chest. A fourth witness described the man as flailing about while trying to gather his belongings.

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**FINDINGS OF FACT** (continued): A fifth witness denied seeing the man throw anything at the officer or strike the officer. The last witness said the officer woke the man and, appearing startled, the man began frantically swinging at the officer.

Based on the varying accounts of what led up to the use of force, there was insufficient evidence to determine the level of force necessary to subdue the man. Therefore, there was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #2:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated that after using force against a sleeping homeless man, she heard the officer say, "Next time I tell you to fucking move, you move, or I'll put you in the hospital."

The named officer denied using profanity or threatening to put the complainant in the hospital.

Three witnesses denied hearing the officer use profanity. A fourth witness could not recall if she heard the officer use profanity.

No other witnesses were identified who heard the officer use profanity.

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:** 08/11/14 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant was cited for violation of California Vehicle Code section 4000(a)(1), Registration Required. While the complainant admitted that her registration was expired, she alleged that the named officer failed to indicate on the citation that the violation was a correctable violation. She stated the named officer unnecessarily directed her to the Hall of Justice to clear the citation.

The named officer and his Field Training Officer stated that the citation was issued pursuant to Department Bulletin 13-129, Correctable Violations and Proper Completion of Traffic Citations, which states, in part:

Citizen requests for officer verification of one of the below listed "Correctable Citations" (i.e. "fix-it tickets") shall be directed to Room 101 at the Hall of Justice:

Drivers license not in possession 12951(a)CVC  
Expired Registration 4000a(1)CVC  
Proof of Insurance 16028a or 16028C CVC.

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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**DATE OF COMPLAINT:** 10/30/13    **DATE OF COMPLETION:** 08/11/14    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant was cited for violation of California Vehicle Code section 4000(a)(1), Registration Required. While the complainant admitted that her registration was expired, she alleged that the citing officer failed to indicate that the violation was a correctable violation. She stated she was directed to the Hall of Justice to clear the citation.

During the investigation, the OCC determined that the named officer was the Field Training Officer of the officer who issued the citation.

The evidence showed that the citation was properly issued. The evidence further showed that the named officer properly supervised his trainee.

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



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/04/13      **DATE OF COMPLETION:** 08/08/14      **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer approached him in an aggressive manner, prompting the complainant to run away from the officer.

The named officer denied the allegation. The named officer stated he approached the complainant who he thought was a wanted felon. The named officer stated that before he could address the complainant, the complainant took off running.

Other officers at the scene were engaged with another subject when the named officer made contact with the complainant.

No other witnesses came forward.

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

**SUMMARY OF ALLEGATIONS #2-3:** The officers behaved inappropriately and/or made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated one of the officers engaged in hostile behavior and was verbally aggressive. The complainant stated that unidentified officers asked him questions that he found to be negative stereotypes that were disparaging to his character.

The named officer denied the allegation.

The other officers involved in the incident denied or did not recall making any of the alleged comments.

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:** 11/04/13     **DATE OF COMPLETION:** 08/08/14     **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #4:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated the named officer used profanity.

The officer denied the allegation.

No independent witnesses came forward.

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

**SUMMARY OF ALLEGATIONS #5-8:** The officers used unnecessary force.

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

**FINDINGS OF FACT:** The complainant said that after fleeing from the police, he was detained several blocks away. The complainant stated he fell onto the ground where he positioned himself in a prone position with his arms to his sides. The complainant said the officers used unnecessary force to detain him including placing their body weight on top of him and pulling at his limbs in a painful manner, even though he cooperated with the officers. The complainant said after being handcuffed, an officer intentionally kned him in his mouth, breaking his tooth. Another officer struck him in the head with a baton, which caused a hematoma to his forehead.

The named officers denied the alleged use of force. The named officers denied that the complainant was struck with a baton. One of the named officers stated he used a bar arm control to take the complainant to the ground as the complainant was resisting.

There was insufficient evidence to either prove or disprove that the level of force used by the officers was minimally necessary to take the complainant into custody. No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/04/13      **DATE OF COMPLETION:** 08/08/14      **PAGE#** 3 of 3

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

**CATEGORY OF CONDUCT:** N/A      **FINDING:** IO-1      **DEPT. ACTION:**  
**FINDINGS OF FACT:** This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to:

San Francisco Fire Department  
Department Headquarters  
698 2<sup>nd</sup> Street  
San Francisco, CA 94107

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/09/13    **DATE OF COMPLETION:** 08/12/14    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1 - 5:** The officers behaved inappropriately and, or made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated he wanted the officers to have a group of protesters turn down their megaphone's volume or to cite them for excessive noise.

The officers denied the allegation. The officers stated the complainant yelled at them and refused to listen to any solutions. The officers in the initial contact stated they approached the person with the megaphone and had that person turn down the volume to his megaphone. An officer from a later contact stated he not only verified the wattage on the megaphone the person used, but advised the entire group that the officers received noise complaints regarding their megaphone use. The officer stated the group turned off the megaphone. One of the officers stated he explained to the complainant that the officers could not violate another person's freedom of speech. The officer stated the group was not protestors and that no laws were broken.

No witnesses were identified.

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 upon request.

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

**FINDINGS OF FACT:** The complainant stated the officers were defensive in providing their names and star numbers.

The officers denied the allegation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/09/13    **DATE OF COMPLETION:** 08/12/14    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #9:** This complaint raises matters outside OCC's jurisdiction.

**CATEGORY OF CONDUCT:** N/A    **FINDING:** IO1    **DEPT. ACTION:**

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/20/13    **DATE OF COMPLETION:** 08/05/14    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer filed false charges

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

**FINDINGS OF FACT:** The complainant was arrested for driving under the influence of alcohol (DUI) and for Hit and Run. In addition to these charges, the complainant stated he was falsely cited for not having a valid California driver's license, no proof of insurance and for expired registration. He was also charged with resisting arrest, which he denied.

The complainant's booking card shows the following charges: California Vehicle Code (CVC) section 23152(a), Driving Under Influence of Alcohol or Drugs, CVC §12500(a), Unlawful to Drive Unless Licensed, CVC §20002(a), Permissible Action Duty Where Property Damaged, and for Penal Code section 148, Resisting, Delaying or Obstructing Officer.

The complainant did not dispute the DUI and the Hit and Run charges. The complainant stated he had an Arizona driver's license but has been living in California for six years. The complainant admitted refusing to take a blood test

Based on the complainant's own testimony, the charges complained of were properly brought by the named officer.

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:** 12/04/13 **DATE OF COMPLETION:** 08/28/14 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the named officer arrested him without cause. He stated that a prostitute solicited him when he stopped his car at a stop sign and when he refused, she insulted him and they exchanged insults. The complainant stated the woman reached inside his car and grabbed a jacket. The complainant stated the woman dropped her purse inside his car while reaching into his vehicle.

The named officer stated she arrested the complainant because the victim identified him as the man who assaulted her, took her purse and attempted to force her into his car and because the victim's purse was found inside the complainant's car. The named officer's partner confirmed her account.

Records from the Department of Emergency Management showed that a woman called police and reported that a man had assaulted her, tried to force her into his car and took her purse. Records also showed that the named officer responded to the scene and contacted the victim. Other officers detained the complainant and the victim identified the complainant as the suspect in a cold show.

The evidence established that based on the victim's positive identification of the complainant and the location of the victim's purse inside the complainant's car, the named officer had probable cause to arrest the complainant for the actions described by the victim.

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:** 12/04/13 **DATE OF COMPLETION:** 08/28/14 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the named officer seized his cell phone but when he was released from jail it was not returned to him.

The named officer and the recruit officer she was training stated they arrested the complainant but did not remember searching him, seizing a cell phone from him or seeing a cell phone that belonged to him.

Department records indicate that a cell phone was placed in the complainant's property envelope when he was booked at the police station. A document from the Sheriff's Department contained a notation stating that there was no cell phone inside the complainant's property envelope when he was released from jail. A member of the Sheriff's Department staff stated that Sheriff's Department personnel do not open sealed property envelopes that accompany arrestees to the jail and that the sealed property envelope is given to the arrestee upon release.

There was insufficient evidence to determine who last had custody of the complainant's cell phone or to determine the whereabouts of the cell phone.

There was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer failed to release his property to him.

Department records established that the clothing the complainant was wearing was seized as evidence and his car was towed with a hold for the Station Investigative Team.

The named officer, who was a member of the Station Investigative Team, stated that five days after the complainant's arrest (the first full business day after the charges against the complainant were dismissed by the district attorney), he released the hold on the complainant's car and faxed a release of the complainant's clothing to the Property Control unit. Department records confirmed that the named officer released the car and the property on that date. 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:** 12/12/13    **DATE OF COMPLETION:** 08/28/14    **PAGE#** 1 of 5

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

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

**FINDINGS OF FACT:** The complainant stated that about 1:30 a.m., he purchased food from the street and was about to enter a parked vehicle containing two female acquaintances when he saw a police car containing three police officers drive past him and make a U-turn. The patrol car drove up and stopped at his location. One of the officers detained him, searched him, found a personal use amount of methamphetamine on him, and arrested him. The complainant stated the officer had no right to detain, search or arrest him.

The named officer and two witness officers stated that they were on patrol when the named officer saw the complainant talking to someone in a high crime area. The named officer knew the complainant from a prior incident and knew that the complainant had a search condition. The named officer stated that pursuant to the complainant's warrantless search condition, he stopped and searched the complainant. As a result of the search, the named officer found suspected methamphetamine in the complainant's right front sweatshirt pocket, and the officer placed the complainant under arrest.

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:** 12/12/13    **DATE OF COMPLETION:** 08/28/14    **PAGE#** 2 of 5

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

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

**FINDINGS OF FACT:** The complainant stated he was sitting in a parked vehicle with a female acquaintance when the named officer drove up on their vehicle and detained them without any reason. The named officer and her partner searched him, his female acquaintance and the vehicle they were sitting in. The officers did not find any weapons or contraband. The complainant stated that a Certificate of Release was issued to him and his female acquaintance after their detention.

The named officer and her partner stated that at approximately 3:15 a.m., she saw a vehicle parked in a No Parking zone. The vehicle contained a female who was sitting in the driver's seat and the complainant who was sitting in the passenger seat. The named officer recognized the female as a person the officer had previously arrested for operating a stolen vehicle. The named officer also knew the complainant, who was on felony probation with a search condition. The named officer and her partner detained the complainant and his female acquaintance to investigate whether the vehicle was stolen.

Department General Order 5.03 allows a police officer to briefly detain a person for questioning or request identification only if the officer has reasonable suspicion that the person's behavior is related to criminal activity.

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:** An unidentified officer detained the complainant at gunpoint.

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

**FINDINGS OF FACT:** The complainant stated he was detained at gunpoint. The complainant could not describe the officer who detained him at gunpoint.

Three officers were involved in the complainant's detention. All denied the allegation.

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:** 12/12/13    **DATE OF COMPLETION:** 08/28/14    **PAGE#** 3 of 5

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

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

**FINDINGS OF FACT:** The complainant stated that about 1:30 a.m., he purchased food from the street and was about to enter a parked vehicle containing two female acquaintances when he saw a police car containing three police officers drive past him and make a U-turn. The patrol car drove up and stopped at his location. One of the officers detained him, searched him, found a personal use amount of methamphetamine on him, and arrested him. The complainant stated the officer had no right to detain, search or arrest him.

The named officer and two witness officers stated that they were on patrol when the named officer saw the complainant talking to someone in a high crime area. The named officer knew the complainant from a prior incident and knew that the complainant was on felony probation with a search condition. The named officer stated that pursuant to the complainant's warrantless search condition, he stopped and searched the complainant. As a result of the search, the named officer found suspected methamphetamine in the complainant's right front sweatshirt pocket, and the officer placed the complainant under arrest.

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 #5 - 6:** The officers searched the vehicle without cause.

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

**FINDINGS OF FACT:** The complainant stated he was sitting in a parked vehicle with a female acquaintance when the named officers drove up on their vehicle and detained them without any reason. The complainant stated the officers searched his vehicle for no apparent reason.

The named officers stated they saw a vehicle parked in a No Parking zone. The vehicle contained a female who was sitting in the driver's seat and the complainant who was sitting in the passenger seat. One of the named officers recognized the female as a person the officer had previously arrested for operating a stolen vehicle. The named officer also knew the complainant, who was on felony probation with a search condition. The named officers searched the vehicle pursuant to the complainant's warrantless search condition.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/12/13    **DATE OF COMPLETION:** 08/28/14    **PAGE#** 4 of 5

**SUMMARY OF ALLEGATION #7:** The officer searched the complainant's personal property without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officer searched the complainant's backpack. As previously stated, the complainant was on felony probation with a warrantless search condition. The search was pursuant to the complainant's search condition.

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

**SUMMARY OF ALLEGATION #8:** The officer harassed the complainant.

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

**FINDINGS OF FACT:** The complainant stated he was detained by the named officer on two separate occasions. The complainant alleged that the named officer was harassing him.

The named officer and witness officers denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/12/13    **DATE OF COMPLETION:** 08/28/14    **PAGE#** 5 of 5

**SUMMARY OF ALLEGATION #9:** The officer made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant and co-complainant alleged the named officer made rude, condescending and disparaging remarks intended to belittle and antagonize them.

The named officer and witness officers denied the allegation. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #10:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant alleged that the named officer engaged in biased policing.

The named officer and witness officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officer denied the allegation. The named officer stated the complainant was on felony probation with a warrantless search condition.

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:** 12/04/13    **DATE OF COMPLETION:** 08/11/14    **PAGE #** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer spoke and behaved inappropriately to the complainant.

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

**FINDINGS OF FACT:** The complainant, a limousine driver, said that, while he was at the airport picking up a passenger, a parking control officer told him to move and then called the named officer to assist. The complainant said the named officer blocked his car with a police car and then asked why he was not moving. The complainant further said the officer spoke abusively toward him.

The named officer denied the alleged behavior and speech, stating that he was called to the scene when the complainant refused a lawful order to not wait in an area marked clearly for active loading and unloading. The officer further denied using an abusive, demeaning tone when he explained to the complainant that he was compelled to adhere to the airport rules.

A witness officer and the parking control officer corroborated the named officer's account of the encounter, and neither said they heard the officer act or speak inappropriately to the complainant.

No other witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant said he asked the named officer for his name and star number, and the officer refused.

The named officer denied that the complainant asked for his name and star number. One witness officer said the complainant did not ask for the named officer's star number or name. Another witness said he was not present or within earshot of the named officer's encounter with the complainant.

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

**SUMMARY OF ALLEGATIONS #1 & 2:** The officers entered and searched the complainant's home without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers entered her home without a search warrant.

The Department records stated the named officers arrested the complainant's son, who was on probation with a search condition. The officers responded to the complainant's house to conduct a probation search pursuant to the complainant's search condition.

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

**SUMMARY OF ALLEGATIONS #3 & 4:** The officers used unnecessary force during the complainant's detention.

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

**FINDINGS OF FACT:** The complainant stated the officers forcefully grabbed and twisted her arm to handcuff her. The complainant said she had bruises on her arm but did not seek medical treatment.

The officers stated they used minimal control techniques to detain the complainant. The complainant admitted that she did not want to let the officers in her home, did not want to step outside, and that she resisted.

There was insufficient evidence to prove or disprove that the level of force used by the named officers were minimally necessary to detain the complainant.

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:** 01/17/14 **DATE OF COMPLETION:** 08/14/14 **PAGE #** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant wrote that he was stopped in a bus stop with his engine running when he was detained by the named officer.

The named officer stated he had previously responded to a call of trespassing in which the suspect was described as a white or Arabic male, age 40, driving a red truck with a white camper, which had been parked in the bus stop in front of the victim's apartment building. After speaking to the victim, the officer left to search for the suspect's vehicle. He then received notice that the suspect had returned. The officer returned to the area and saw a vehicle with its headlights on, parked in the bus stop outside of the victim's home. The officer pulled alongside the vehicle and advised the driver to turn off his engine and that he was being detained for investigation.

A witness stated she called police regarding a man who was harassing her but by the time the officer arrived, the suspect had fled. As soon as the officer left, the suspect returned and the witness called police again. At one point she looked outside to see the officer near a black BMW SUV in the bus stop. She wasn't sure if he'd been stopped in relation to her request for assistance so she went downstairs to tell the officer that he was not the suspect.

Records from the Department of Emergency Management confirmed the 9-1-1 calls and the sequence of events.

Department General Order 5.03 allows a police officer to briefly detain a person for questioning or request identification only if the officer has reasonable suspicion that the person's behavior is related to criminal activity.

The named officer responded to a call of a person breaking in who had parked a vehicle in the bus stop outside of the building. When the officer arrived, the suspect had fled. Soon thereafter, the victim called again and reported that the suspect had returned. The officer returned to the scene and encountered a vehicle parked in the bus stop. Although the complainant's vehicle did not match the description originally given by the victim, the officer conducted a traffic stop of the vehicle to further investigate. Furthermore, the complainant's vehicle was stopped in a bus stop, in violation of 22500(i) CVC.

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:** 01/17/14 **DATE of COMPLETION:** 08/14/14 **PAGE #** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that he was inside of his vehicle, stopped in a bus stop with the engine running. He stated that the officer issued him a citation for being stopped in the bus stop.

The named officer stated that he issued a citation to the complainant for being stopped in a bus stop, in violation of California Vehicle Code section 22500(i), which states, in part:

No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

--

(i) Except as provided under Section 22500.5, alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on the curb erected or painted by local authorities pursuant to an ordinance.

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The complainant admitted being stopped in a bus stop.

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:** 01/17/14 **DATE of COMPLETION:** 08/14/14 **PAGE #** 3 of 3

**SUMMARY OF ALLEGATION #3:** The officer engaged in retaliatory conduct.

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

**FINDINGS OF FACT:** The complainant wrote in his complaint that after being detained and questioned by the officer, he was told that he was free to leave. He stated that he then told the officer that he should have been polite and that he intended to file a complaint. The complainant wrote that the officer stated he would show the complainant his power by issuing a citation to the complainant since the complainant planned to complain.

The named officer denied making any statements about his police power and said that he planned to cite the complainant at the time that he asked the complainant why he was stopped in a bus zone. He further stated that he issued the complainant a Certificate of Release and a citation for parking in the bus zone at the same time.

A witness confirmed seeing the officer and the complainant speaking outside, but she was uncertain if it was in relation to her call for police, or a separate traffic stop. She stated that she told the officer that the complainant was not the suspect for the incident in which she had requested police assistance. She described the complainant as angry but she denied hearing what was said between the complainant and the officer.

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

**SUMMARY OF ALLEGATION #1:** The officer used unnecessary force during the complainant's arrest.

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

**FINDINGS OF FACT:** The complainant was arrested for illegally selling Muni transfer tickets, destroying evidence, and for resisting arrest. The complainant alleged that the named officer used unnecessary force by pushing him against a car. The complainant stated he did not complain of pain to the police and did not seek medical attention.

The named officer and his partner denied the alleged use of force.

A witness did not observe any type of physical altercation between the police and the complainant.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant, who was arrested for illegally selling Muni transfer tickets, said that the named officer said, "Bingo" when a man handed him some transfer tickets and placed the transfers in the complainant's jacket. He also stated the officer treated him like a criminal and insisted that he knew him from past incidents.

The named officer denied the alleged comment and denied placing the transfer tickets in the complainant's jacket.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.