

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/17/11 **DATE OF COMPLETION:** 08/22/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was evading the police on a bicycle when an officer grabbed him, flung him off his bike and caused him to hit a pole head first, then fall to the ground. He stated an officer jumped on his back when he was on the ground. The officers stated that the complainant, a parolee, had refused their repeated orders to stop while riding his bike. The two named officers stated they later spotted the complainant and ordered him to stop. When he failed to do so, one of the officers stated he pushed the complainant's left shoulder with his right hand, causing the complainant to veer to the right and hit a fence. He did not hit a pole. When he put his front brakes on, his rear wheel went up into the air and the complainant went over the handlebars and landed head first on the sidewalk. He stated his partner fell on top of the complainant while trying to avoid being hit by the rear tire. The officer's partner stated he did not see which part of the complainant's body his partner pushed. He stated the complainant landed on the sidewalk on his stomach and may have hit his head on the sidewalk. This officer stated he jumped on top of the complainant so he wouldn't run away. The complainant's mug shot and photos taken by the SFPD at the scene show that the complainant suffered facial injuries. Medical records state that the complainant crashed into a metal cyclone fence. He was not wearing a helmet. He incurred multiple brow lacerations, facial lacerations and abrasions to his right knee. Three sutures were placed in his right eyebrow. There was no additional evidence and no witnesses to the actions taken by the named officers to further prove or disprove the allegation. There is insufficient evidence to determine the level of force necessary to detain the complainant.

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

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

FINDINGS OF FACT: The complainant wrote that that she and her friend were standing on the corner waiting for the recycling truck when they were approached by the officers who began to question them for no reason. The officers said the complainant was detained for drinking alcohol in public in violation of the Municipal Police Codes. The complainant did not respond to the OCC's requests for an interview. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3 and 4: The officers behaved in an intimidating manner and made inappropriate comments.

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

FINDINGS OF FACT: The complainant wrote that the detaining officers shuffled through her belongings removing her hormone pills and emptying the contents into the street drain and told her that they could take her to jail for having illegal medicine and no identification. The complainant wrote that the officers told her that she had outstanding warrants for which they could arrest her and to stay out of the Mission that she was nothing but trouble. The complainant wrote that after the incident she went to the public defenders office and there they checked her record and told her she had no outstanding warrants. The officers denied behaving in the alleged manner or making any of the alleged comments. The complainant did not respond to the OCC's requests for an interview. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT:

The complainant wrote that the officer shuffled through her belongings and removed items therefrom. The complainant did not respond to the OCC's requests for an interview. The officers denied searching through the complainant's property. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer destroyed the complainant's property.

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

FINDINGS OF FACT:

The complainant wrote that the officer shuffled through her belongings, removed her bottles of pills and emptied the contents into the street drain. The officers denied committing or witnessing the alleged act. The complainant did not respond to the OCC's requests for an interview. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #7: The officer failed to process the complainant's property.

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

FINDINGS OF FACT: The complainant wrote that the officer shuffled through her belongings, removed her bottles of pills and emptied the contents into the street drain. The officers denied the allegation and said the complainant was not arrested so no property was processed. She was cited and released at the scene. The complainant did not respond to the OCC's requests for an interview. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #8: The officer forged the complainant's signature on a citation.

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

FINDINGS OF FACT: The complainant wrote that she did not sign the citation and that when she refused to do so the officer scribbled in the signature section. The named member said the complainant signed the citation. The witness officer said the complainant signed the citation. A review of handwriting samples brings into question the authenticity of the signature. The complainant did not respond to the OCC's requests for an interview. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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OCC ADDED ALLEGATION #1: The officer wrote an inaccurate citation.

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

FINDINGS OF FACT: The named member admitted that he wrote the wrong Municipal Police Code section on the citation. The citation was dismissed by the Superior Court Traffic Division. While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct. The allegation is not sustained.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer displayed inappropriate behavior and made inappropriate comments. The officer denied the allegation and did not feel his comments were inappropriate. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT The complainant stated the officer used profanity. The officer denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #1 & 2: The officer handcuffed the complainants without justification.

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

FINDINGS OF FACT: The officers denied the allegations, stating that they handcuffed the complainants pursuant to arrest. A witness confirmed the account of the officers. No other witnesses came forward. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officers denied making or hearing the alleged comments. One witness said he did not hear the alleged comments. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATIONS #5: The officer used unnecessary force while detaining the co-complainant.

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

FINDINGS OF FACT: The named and one witness officer denied the allegation. A witness confirmed the account of the named officer. No other witnesses came forward. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #6: The officer used unnecessary force while detaining the complainant.

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

FINDINGS OF FACT: The named and one witness officer denied the allegation. One witness said he did not hear the complainant complain of tight handcuffs. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #6: The officer used profanity.

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

FINDINGS OF FACT: The complainants did not specify which officer used profanity. The officers denied the allegation. One witness said he did not hear any officer use profanity. No other witnesses came forward. There was insufficient evidence to identify the officer or either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #4: The officer failed to investigate.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated in her letter that her car was towed from her parking spot but she did not see any special signage stating that there was no parking. The citation, which was issued on June 7, 2009, indicates the violation as TC 33C, which per the San Francisco Transportation Code section 7.2.45 means Diverting of Traffic and Temporary Parking Restrictions. The investigation disclosed that a "Sunday Streets" event took place on that date, and that there were street closures in effect at the location of the tow. There was no evidence to prove or disprove the presence of signage at the time of the tow. The named officer did not recall the incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant was attempting to cross streets that were closed while officers were practicing with the Secret Service for an upcoming presidential visit. He asked the officer why he couldn't cross and the officer replied, "For your own safety, you cannot cross the street." The complainant acknowledged that he ignored the officer's command, and tried to cross the street. The complainant said the officer "went after" him. The officer stated that the complainant was irate and agitated during his entire contact with police. He yelled at the officer continually and disobeyed police orders by trying to cross the street. The complainant stated that another unknown pedestrian was prevented from crossing the street. Other pedestrians were cooperative and compliant with verbal and hand directions. The officer stated he did not advance towards the complainant to intimidate him, but to stop his progress and ensure he would get back on the sidewalk. A police supervisor at the scene stated he observed the complainant refuse to obey police commands to stay on the sidewalk. The supervisor stated he was so concerned for the officer's safety, he got out his radio to call for assistance for the officer. The officer's conduct was proper.

SUMMARY OF ALLEGATION #2: The officer misused police authority to allow free access to pedestrians.

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

FINDINGS OF FACT: The complainant was attempting to cross streets that were blocked by the police. He asked the officer why he couldn't cross the street and the officer replied, "For your own safety, you cannot cross the street." The complainant acknowledged that he ignored the officer's command, and tried to cross the street. Department officials stated that the officer was taking part in a practice run for the upcoming Presidential motorcade and that any additional requests for information would have to be forwarded to the Secret Service. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant acknowledged interrupting an officer directing pedestrian and vehicle traffic to demand his name and star number. He claimed the officer refused to provide that information. The officer stated, "The complainant was yelling and demanding in a very irate tone, 'What's your star? What's your star!' He was doing this while he was in the south crosswalk, paralleling me. Because he would not stop his yelling and wait for my response, I pointed to my star and continued to do so as I was monitoring vehicle traffic and pedestrians." The officer's supervisor stated the officer provided the complainant with his name and star. He noted that the officer's star was clearly marked on both sides of his helmet. During the complainants initial interview he provided the OCC with the named officers name and star number. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated he called a district station to make a complaint. The caller told the complainant he would have to call the OCC. The Police Service Aides (PSA) generally answer the phones at district stations. There were no officers assigned to station duties that day in that district station. The PSA's were questioned by the OCC and asked if they were answering station telephones at the time the complainant said he called the station to complain about an officer. The PSA's denied that they received a call from a caller requesting to file a citizen complaint against an officer. The complainant could not provide any identifying information that would assist in determining the identity of the person that answered the station telephone. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer placed a hold on the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated he was the victim of a carjacking, but that he did not want to press charges. Nonetheless, the officer placed a hold on his vehicle after it was recovered in Oakland. The officer stated the incident was considered a violent felony so a hold was placed on the recovered vehicle to inspect it for fingerprints. He stated that for felony cases a victim does not decide whether or not to press charges. The officer said the complainant reported to police that he had been pulled out of his vehicle by force and the suspect drove off with his car, but he later told the officer there was no violence. The officer said that this discrepancy caused a delay in the completion of his investigation and in releasing the complainant's car. Officers have the authority to tow and place a hold on a vehicle that was recovered and involved in the commission of a crime and may contain physical evidence, per DGO 9.06 III. B. 1. b.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officers were rude during her contact. The officers denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATIONS #3-4: The officers failed to take a report.

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

FINDINGS OF FACT: The complainant stated she called the police to report a theft in her room, but the officers did nothing. The officers stated that the complainant requested assistance to locate a personal item she misplaced in her residence, which does not constitute a theft, therefore a report was not made. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-6: The officers failed to provide name and badge numbers.

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

FINDINGS OF FACT: The complainant said she told the officers she needed their badge numbers but they would not give it to her. The complainant said she obtained the officers information through dispatch. The officers stated they provided their names and badge numbers. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 29, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that an officer failed to contact his cousin when his stolen car was recovered. The complainant is not a San Francisco resident. DGO 9.06 requires officers to contact the person who reported the vehicle theft provided that he/she is a resident of San Francisco. The evidence in CAD showed the officers attempted to reach the person who reported the complaint at the contact telephone number, but were unsuccessful, as the number was not working. The officer's actions were lawful and proper.

OCC ADDED ALLEGATION:

SUMMARY OF ALLEGATION #1: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence, which is essential to evaluate the circumstances of his car theft and his ability to communicate with the officer through a civilian interpreter and on his own.

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

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

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

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

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

FINDINGS OF FACT: The complainant alleged that the officer stopped her mainly to harass her. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with Department Bulletin 08-268

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

FINDINGS OF FACT: Department Bulletin 08-268 requires members to collect and enter traffic stop data on all traffic stops. The officer said he could not recall whether or not he collected and entered the required data. An E585 System Data Search was performed by the Department and found that no E585 entries were made by the named officer. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

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

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

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 3, 2011.

SUMMARY OF ALLEGATION #4: 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 August 3, 2011.

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SUMMARY OF ALLEGATION #5: The officers failed to prepare an 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 August 3, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that his car broke down in a park and the complainant could not move it so he called for a mechanic. The complainant is upset that the officer towed his car instead of issuing him a citation. The incident report and witness corroborate that the complainant drove his truck into a pedestrian path adjacent to a lake and his wheel was stuck in the water. The complainant's statement is not credible and his account is refuted by the facts of the incident report and witness statement. The complainant stated this occurred in a totally different area of the park vs. the area indicated in the incident report and the witness statement. The evidence proved that the acts, which provided the basis for the allegations, occurred, however such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer accused him of being drunk and arrested him after having him do a Breathalyzer more than once. The complainant claimed not to have been drinking that day and that he had Nyquil the night before. The report documents that the complainant's Breathalyzer results were past the legal limit. The witness stated the complainant was very distressed, disoriented, and he panicked while trying to drive his car out of the lake. The complainant's statement is not credible and his account is refuted by the facts of the incident report and witness statement. The complainant stated this occurred in a totally different area of the park vs. the area the incident report and witness states. The officers had probable cause to arrest the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred, however such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated he was asked to leave the hostel where he was staying. He alleged that when officers escorted him to get his belongings, they made inappropriate comments.

The officers denied making inappropriate comments. They stated the owner of the hostel informed them that the complainant was asked to leave because he was intoxicated and made inappropriate comments to hostel guests.

There is no dispute that the complainant had been drinking and was making inappropriate comments to guests. The officers stated that when they escorted the complainant from the hostel the complainant's state of sobriety was such that he was able to care for himself. A guest complained and the complainant was asked to leave. The complainant became very angry. The owner stated it was the complainant, not the officers, who made inappropriate comments. He stated he was with the officers and the complainant the entire time they were in the hostel and the officers behaved professionally. However, the owner of the hostel can not be considered as an independent witness hence, there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated she was wrongfully arrested for possession of stolen property. The complainant acknowledged being in possession of stolen property. She acknowledged trying to sell the stolen property. She also stated that upon learning that the valuable property she had was stolen, she failed to inform law enforcement authorities. Officers searched the complainant's house pursuant to a valid search warrant and located the stolen property. The complainant was properly arrested for possession of stolen property.

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

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

FINDINGS OF FACT: According to the complainant, a male officer asked her if she had needles or anything else in her pockets that could hurt him. She said no. The officer then began searching her pockets. The complainant said she wanted a female officer to search her but was told the female officer "had her hands full." The named officer stated he advised the complainant she was under arrest and handcuffed her. Holding the handcuffs with one hand, he used the back of his free hand to check the exterior of the complainant's rear and front pants pockets. He did not put his hands inside her pockets. After he completed his search, the complainant told him, "You can't search me, only a female can search me." The male officer told her that he could. There are no Department General Orders or other regulations that prohibit a male officer from conducting a limited pat search for weapons on a female prisoner. The officer's actions were proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/11 **DATE OF COMPLETION:** 08/09/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to provide accurate information to the complainant.

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

FINDINGS OF FACT: The complainant stated the officer falsely told him his car could be towed for having an expired registration. The officer stated he could not recall saying this to the complainant and further stated if he were to tell a citizen his car could be towed for expired registration, it would be because his registration was expired in excess of six months, per California Vehicle Code section 22651(o)(1). California Vehicle Code section 22651(o)(1) states that a vehicle being operated on a highway with a registration expiration date in excess of six months may be towed. There was no additional evidence and no witnesses to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/16/11 **DATE OF COMPLETION:** 08/22/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainants stated that an officer issued the driver a citation for a correctable violation and advised him of how to dispose of the citation, but the officer said nothing about the payment of a court fee. The complainants received a courtesy notice from Superior Court stating the transaction fee must be paid. The complainants also said that the back of the citation contains no information about the transaction fee. Review of the back of a citation shows that under Section C. Correctable Violations, the information provided states that the citation will be dismissed by the court after proof of correction and payment of a transaction fee are presented to the court. The evidence showed that the act that provided the basis for the allegation occurred, however said act was proper insofar as the citation does disclose on that there will be a court transaction fee to have the citation dismissed.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/11 **DATE OF COMPLETION:** 08/17/11 **PAGE # 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated the officer had no search warrant to search his car. The complainant stated he is not on probation or parole and is not affiliated with any gang. Per the incident report, this was an investigation of a shooting and the car was identified as a vehicle used to commit a crime. The officer's actions were lawful and proper under current Department policies and procedures.

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

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

FINDINGS OF FACT: The complainant stated he was detained at gunpoint for no reason and is not on probation or parole. The complainant was inside his car at the time the officers approached. This was an investigation of a shooting and the car was identified as a vehicle used to commit a crime. The officer's actions were lawful and proper under current Department policies and procedures.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/11 **DATE OF COMPLETION:** 08/22/11 **PAGE # 2 of 3**

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

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

FINDINGS OF FACT: The complainant stated he was searched for no reason and is not on probation or parole. The complainant was inside his car at the time the officers found the car. Per case law, officers are permitted to conduct searches of persons for their safety. This was an investigation of a shooting and the car was identified as a vehicle used to commit a crime. The officer's actions were lawful and proper under current Department policies and procedures.

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

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

FINDINGS OF FACT: The complainant stated his car was driven away for no reason and then towed. This was an investigation of a shooting and the car was identified as a vehicle used to commit a crime. Officers have the authority to tow and place a hold on a vehicle involved in the commission of a crime. The officer's actions were lawful and proper under current Department policies and procedures.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/11 **DATE OF COMPLETION:** 08/17/11 **PAGE # 3 of 3**

SUMMARY OF ALLEGATION #5: The officer failed to issue paperwork for the seizure of the complainant's phone.

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

FINDINGS OF FACT: The complainant stated he was not given any paperwork for the seizure of his cell phone. This was an investigation of a shooting and the car was identified as a vehicle used to commit a crime. The incident report documents that the officers left the scene with the car and cell phone because a crowd was gathering and in their experience in that neighborhood the people can be anti police and hostile. Per DGO 6.15 when property is booked, officers are to issue a property receipt. The incident report lists the cell phone as evidence and a copy of the property receipt issued to the complainant was included and signed on June 23, 2011 when the complainant went to the station. The officers' actions were lawful and proper under current Department policies and procedures.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/11 **DATE OF COMPLETION:** 08/03/11 **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 got into a verbal altercation with her partner and during the verbal altercation the complainant admittedly struck her partner. The complainant was arrested for battery. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: A strip search was conducted without justification.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/11 **DATE OF COMPLETION:** 08/22/11 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 22, 2011.

SUMMARY OF ALLEGATION #2: The department demonstrated inappropriate behavior.

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 22, 2011.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/06/11 **DATE OF COMPLETION:** 08/09/11 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant complained an officer made an inappropriate comment to her. A search of Department records failed to produce any record of an incident that matched the description given by the complainant. A poll of officers in the assigned district was negative. There were no witnesses. There was insufficient evidence to identify the officer or to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/11 **DATE OF COMPLETION:** 08/03/11 **PAGE** #1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/11 **DATE OF COMPLETION:** 08/09/11 **PAGE** #1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/11 **DATE OF COMPLETION:** 08/08/11 **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 forwarded to the California Highway Patrol.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/11 **DATE OF COMPLETION:** 08/12/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant provided information that a person texted him on a social networking site requesting a contact. The person provided a photograph of himself and the complainant stated he was not interested in connecting with this person. The complainant stated that this person then stated that they worked for the SFPD. The person then made inappropriate comments which led the complainant to believe the person was acting in his capacity as an officer when the texting occurred. All information regarding the person except for a photograph was deleted when the complainant told the person he was going to make a complaint against him. The OCC investigated using Department resources and the person in the photograph could not be identified in any manner as either an SFPD officer or a civilian employee. There is insufficient evidence to either prove or disprove the allegation, as the person could not be identified.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/10 **DATE OF COMPLETION:** 08/12/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-5: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force against him and that he suffered fractured ribs. Medical evidence shows fractured ribs. The officers stated they responded to a report of a fight but, as they attempted to talk with the complainant, who was agitated and argumentative, he lunged at an officer. The officers stated they grappled with the complainant, who resisted, until they finally got him into handcuffs after having to use OC spray, fist strikes, and a baton technique, then a hobble cord to subdue him from kicking. The complainant eye-gouged and bit one officer during the struggle. The complainant later told an officer that he had been a competitive wrestler. The complainant was convicted of felony assault on a police officer. At trial, the prosecutor charged a prior "strike." Per JMS records, the complainant self-reported that he had a prior conviction for attempted murder in another state, that he had been found incompetent to stand trial, and that he had been confined in a mental institution. Witnesses observed that the complainant lunged at the officers and that he resisted arrest. By a preponderance of the evidence, the officers' use of force was reasonably necessary to subdue and arrest the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/11 **DATE OF COMPLETION:** 08/18/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer detained him for no reason. The officer stated that an anonymous person reported that the complainant offered to sell marijuana to him. The officer said he then observed the complainant sitting with a group of persons drinking beer and with off-leash dogs. The officer contacted the group, advised them to move on and then searched the complainant who admitted to OCC and as Department records confirmed, had a warrantless search condition. No witnesses were identified by either the officer or the complainant. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer made inappropriate comments. The officer denied the allegation. No witnesses were identified by either the officer or the complainant. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/11 **DATE OF COMPLETION:** 08/18/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to return the complainant's documents.

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

FINDINGS OF FACT: The complainant alleged the officer failed to return his documents. The officer denied the allegation and stated that he returned the documents to the complainant. No witnesses were identified by either the officer or the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that the officer advised him to leave the park without justification. The officer stated that he had the right to order the complainant to leave the park, as he observed the complainant drinking alcohol and SF Park Code 4.12A provides an officer the authority to order a person to leave the park for that offense. However, no witnesses were identified by either the officer or the complainant to corroborate either story. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/11 **DATE OF COMPLETION:** 08/03/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant made general statements regarding the officer's activity on a specific date. Department Records do not substantiate that the complainant had contact with the officer on that date or that the activity alleged by the complainant occurred. The complainant did not provide any specific information regarding the allegation. Furthermore, the contact information provided by the complainant of a telephone number and an email address are not valid working numbers and the complainant could not be contacted so that further specific and needed information regarding the allegation could be developed. The complainant could not provide further information needed to investigate the complaint.

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

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

FINDINGS OF FACT: The complainant made general statements regarding the officer's activity on a specific date. Department records do not substantiate that the complainant had contact with the officer on that date or that the activity alleged by the complainant occurred. The complainant did not provide any specific information regarding the allegation. Furthermore, the contact information provided by the complainant of a telephone number and an email address are not valid working numbers and the complainant could not be contacted so that further specific and needed information regarding the allegation could be developed. The complainant could not be contacted to provide further information needed to investigate the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/10 **DATE OF COMPLETION:** 08/08/11 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The evidence proved that the action complained of did not involve a sworn member of the Department. The complaint was referred to the San Francisco State University Police Department, 1600 Holloway Avenue, San Francisco, CA 94132

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

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

FINDINGS OF FACT: The evidence proved that the action complained of did not involve a sworn member of the Department. The complaint was referred to the San Francisco State University Police Department, 1600 Holloway Avenue, San Francisco, CA 94132.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/08/11 **DATE OF COMPLETION:** 08/29/11 **PAGE #1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/09/11 **DATE OF COMPLETION:** 08/18/11 **PAGE** #1 of 1

SUMMARY OF ALLEGATIONS #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 be forwarded to:

UCSF Police Department
1855 Folsom Street, Suite 145
San Francisco, CA 94143-0238

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/11/11 **DATE OF COMPLETION:** 08/18/11 **PAGE** #1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/11 **DATE OF COMPLETION:** 08/29/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer wrote an incomplete report.

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

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/10 **DATE OF COMPLETION:** 08/01/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1: The officer failed to prepare a complete and accurate incident report.

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

FINDINGS OF FACT: The complainant alleged that he was injured in a domestic incident, but the officer failed to mention the injuries in the report. The named officer and witness officers stated the complainant did not complain of injuries, nor were there visible injuries. There were no available witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers failed to properly handle the complainant's property.

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

FINDINGS OF FACT: The complainant alleged the officers failed to secure and return his eyeglasses. The officers stated they never saw any eyeglasses. There were no available witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/10 **DATE OF COMPLETION:** 08/01/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officers kept the complainant handcuffed to a bench for an unnecessarily prolonged period.

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

FINDINGS OF FACT: The complainant alleged the officers left him handcuffed to a bench at the station for several hours. Department records indicate the complainant was in custody for less than two hours. The station keeper stated he ended his watch prior to the complainant's release. The investigating officer stated the detention was necessary pending his investigation at a location remote from the station. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/10 **DATE OF COMPLETION:** 08/09/11 **PAGE #1 of 4**

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

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

FINDINGS OF FACT: The officers received a low level priority call regarding homeless individuals camped out with lots of junk in an area within their district. SFPD dispatch did not provide any specific suspect description or information. The officers arrived in the general area of the call and detained the complainant standing near his bicycle. The complainant was not near any encampments or junk. The officers questioned the complainant, pat searched the complainant for weapons, requested his identification and ran him for potential criminal history. The officers did not have any specific and articulable facts that connected the complainant with the homeless encampment or any other criminal activity. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department the conduct was improper.

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

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

FINDINGS OF FACT: The named officer is a trained Specialist with the Department with access to enhanced weapons, such as the AR-15 semi-automatic rifle. Prior to this incident, the officer cleared a high priority call involving a person with a gun and still had his semi-automatic rifle on his person in the patrol car. He received an appended low priority call, which involved homeless individuals camped out with lots of junk in an area within his district. The officer traveled 10 minutes for approximately 3.73 miles to the call regarding the homeless encampments. During this time, the officer stated he did not have time to secure his AR-15 within the designated case inside the trunk of the patrol car following the high priority call. He made initial contact with the complainant while still seated in the patrol car then stepped out of the patrol car with his AR-15 slung on the front of his body in port arms position. With the AR-15 displayed and slung on the front of his body, the named officer questioned the complainant, pat searched him with one hand and requested the complainant's identification. An SFPD Specialist expert informed OCC a Specialist officer may contact individuals while carrying their AR-15 weapons under certain circumstances. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/10 **DATE OF COMPLETION:** 08/09/11 **PAGE** #2 of 4

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

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

FINDINGS OF FACT: By his own admission, the named officer said he asked the complainant if it was all right to search him for weapons for all of their safety, to which the complainant voluntarily put his hands up and he patted him down for any large hard metal object. The cover officer stated the named officer asked the complainant to place his hands in the air while the named officer searched the complainant. Both officers said the search did not involve going into the complainant's pockets.

The named officer did not articulate any facts to demonstrate that the complainant, shirtless and in shorts, was armed or dangerous in order to justify a pat search of the complainant. The officer could not claim that bulky clothing obfuscated his ability to determine any safety risk. Based on a preponderance of the evidence, Officer Chiang's unlawful pat search of the complainant constituted an unwarranted action, in violation of the Fourth Amendment, case law and Department General Orders 2.01. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department the conduct was improper.

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

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

FINDINGS OF FACT: The complainant alleged the officer stepped behind him and held his hands in a control hold above his head and both officers went through his pockets. The officer denied the allegation. The named officer stated his partner officer pat searched the complainant to make sure he had nothing in the pockets of his pants. He did not go into the complainant's pockets nor did he grab the complainant's hands or placed the complainant into a control hold. The complainant placed his hands in the air willingly. The named officer stood approximately 5' away from the complainant during the pat search. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/10 **DATE OF COMPLETION:** 08/09/11 **PAGE #3 of 4**

SUMMARY OF ALLEGATION #6: The officer failed to provide his name and star number.

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

FINDINGS OF FACT: The officer denied the allegation. The complainant requested his name and he responded by stating his last name, star number and the district station in which he works. The named officer said he disengaged from the complainant shortly after providing his name and star number due to the complainant's behavior. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The officer denied the allegation. The officer was interviewed pursuant to the OCC biased policing protocol and there was insufficient evidence to conclude that the officer's contact with the complainant was a result of biased policing. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/10 **DATE OF COMPLETION:** 08/09/11 **PAGE #4** of 4

SUMMARY OF ALLEGATION #8: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The officer denied the allegation. The officer was interviewed pursuant to the OCC biased policing protocol and there was insufficient evidence to conclude that the officer inappropriately considered the complainant's race or ethnicity in deciding to make contact in an enforcement capacity. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1-2: The officers failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The officers stated the Certificate of Release was not required for the brief detention of the complainant. The complainant was not physically restrained nor moved during the detention. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/05/10 **DATE OF COMPLETION:** 08/29/11 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated she was hanging out with friends on a street corner at 1:00 A.M. when the officer directed her and her friends to move from the public area without justification. Attempts to obtain statements from several witnesses were unsuccessful. The officer and his partner stated they saw the complainant and others continuously loitering for purposes of prostitution, attempting to call the attention of motorists driving by as well as bending at the waist to communicate with male motorists who parked, blocking traffic next to the curb. Although the surveillance video from a business at the corner in question had poor image quality, it convincingly depicted the complainant and others loitering at the corner in question, engaging motorists in conversations for a prolonged period of time consistent with the suspected activity. The preponderance of the evidence established that the officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #2: The officer used profane language.

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

FINDINGS OF FACT: The complainant said the officer used profane language when she stood her ground, refused to leave the area, and challenged the officer to prove that she was loitering for purposes of prostitution. Attempts to obtain statements from several dependent witnesses were unsuccessful. The officer and his partner denied the allegation. There were no identified independent witnesses to either prove or disprove the allegation. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3-4: The officers used excessive force during the detention.

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

FINDINGS OF FACT: The complainant said the officer punched her twice in the face, pushed her against a wall, and she was hit in the back of the head. The officers denied the allegation. Attempts to obtain statements from several dependent witnesses on scene were unsuccessful. Surveillance video and a personal video of the detention were inconclusive. Photographs and medical records of the complainant did not support her having sustained a traumatic injury. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer used a sexual slur while directing a group of transgender females to move from an area. The officer and his partner denied the allegation. Attempts to obtain statements from several dependent witnesses on scene were unsuccessful. Surveillance video and a personal telephone video of the incident did not provide audio to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6-7: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated she was handcuffed without justification. The officers and his partner stated the complainant refused to stop loitering for prostitution in plain sight, challenged the officer, stated she had no identification on her person, tried to walk away from a lawful detention, and aggressively turned toward the officer in what the officer perceived as an attempt to strike him. Attempts to obtain statements from several dependent witnesses on scene were unsuccessful. Surveillance video and a personal telephone video of the incident were inconclusive. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer failed to issue a certificate of release.

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

FINDINGS OF FACT: The complainant stated the officer did not issue her any document upon her release after her detention. The officer and his partner stated they attempted to issue the complainant a certificate of release, but she refused to accept it. Therefore, it was booked as evidence. Attempts to obtain statements from several dependent witnesses on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer failed to provide name and star number.

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

FINDINGS OF FACT: The complainant stated she asked the officer for his name and star number upon her release but the officer ignored her request. The officer and his partner denied the allegation and stated the complainant refused to accept the certificate of release that was being issued by the named officer, which included his written name and star number. Attempts to obtain statements from several dependent witnesses on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #10: The officer failed to comply with pronoun usage and standards for interaction with transgender communities.

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

FINDINGS OF FACT: The complainant stated the officer referred to her and her transgender friends with male pronouns. The officer and his partner denied the allegation. Attempts to obtain statements from several dependent witnesses on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The officer stated he observed the complainant violate a Penal Code section by entering through the back of a bus and fail to pay fare. Based on the complainant's statements and evidence collection, the officer unlawfully detained the complainant without justification. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #2: The officer refused to answer reasonable questions.

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

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

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

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

FINDINGS OF FACT: Based on the complainant's statements and evidence collection, the officer unlawfully handcuffed the complainant without justification. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

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

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SUMMARY OF ALLEGATION #5: The officer's behavior and comments were inappropriate.

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

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

SUMMARY OF ALLEGATION #6: The officer's comments and behavior was inappropriate.

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

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

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SUMMARY OF ALLEGATION #7: The officer threatened the complainant.

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

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

SUMMARY OF ALLEGATION #8: The officer searched the complainant's property without cause.

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

FINDINGS OF FACT: The officer denied ever searching the complainant's property. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The officer denied the allegation and failed to acknowledge the property was in his care. Based on the complainant and witness statements, a preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The officer acknowledged an error in the investigative detention report in regards to his direction of travel and position. Based on statements and evidence collected, 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 misrepresented the truth.

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

FINDINGS OF FACT: The officer denied the allegation. However, based on statements and evidence collected, a preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #1: The officer failed to follow proper procedures.

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

FINDINGS OF FACT: The complainant stated that during a traffic stop, the officer released his hold on the door of the complainant's vehicle, causing it to sustain damage when it struck a parking meter. The named officer said when he walked back to his motorcycle, the complainant was holding the door open, and denied that his actions caused damage to the door. One of the officers who responded as backup stated that the complainant had left when he arrived. Other officers who responded stated that they do not recall this incident. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer improperly summoned numerous additional officers to the scene, which he believed was designed to intimidate him. The named officer stated that he summoned one additional unit because the complainant was becoming agitated about receiving a citation. The complainant admits that he refused to sign the citation immediately before the named officer summoned backup. Department records establish that the named officer requested only one additional unit, and that the response of additional units did not occur at his request. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #3: The officer failed to provide name and star number when requested.

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

FINDINGS OF FACT: The complainant stated that the officer refused to provide his name and star number. The named officer denied the allegation. One of the officers who responded as backup stated that the complainant had left when he arrived. Other officers who responded stated that they do not recall this incident. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer has harassed him by obtaining a search warrant naming him and a residence where he does not live. The complainant denied having any connection with any criminal activity at this residence and believes it was improper for him to have been named in this search warrant. The complainant also stated that the named officer has harassed him by naming him in other search warrants. The complainant failed to provide the OCC with details or documents concerning these other search warrants. Department documents establish that the named officer prepared an affidavit for a search warrant naming the complainant based on his observations and investigation and that a judge issued the warrant. The named officer wrote in a report that when the search warrant was executed, the complainant was standing in front of the residence to be searched but fled on foot when officers arrived. Department records establish that the complainant was arrested outside this residence six days earlier. The named officer stated that the complainant was listed on the search warrant because narcotics were purchased from him at the residence listed in the warrant. The named officer also stated that the complainant is an admitted gang member and narcotics dealer, is listed on a civil gang injunction and is a suspect in an unsolved homicide. The named officer stated he had previously arrested the complainant for possession of a firearm. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers failed to receive a citizen's arrest.

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

FINDINGS OF FACT: The complainant said she was assaulted and called the police to have the assault documented in an incident report. The officers denied the allegation and said that the complainant did not request for a private person's arrest. Based on the complainant's own testimony, the complainant merely asked for an incident report. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said she was assaulted and called the police to have the assault documented in an incident report. The co-complainant, who was not present during his mother's interaction with the police, said the police failed to prepare an incident report. The officer said that the incident involving the complainant was simply a verbal dispute and that no crime occurred. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officers towed the co-complainant's vehicle without justification.

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

FINDINGS OF FACT: The co-complainant stated his vehicle should not have been towed even though it was illegally parked when he was arrested for criminal threats, battery and malicious vandalism. The evidence shows that the vehicle was towed pursuant to Department General Order 9.06, which allows officers to tow a vehicle driven by a person arrested and taken into custody when the vehicle is needed for evidence. 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 #5: The officer failed to take required action.

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

FINDINGS OF FACT: The co-complainant stated the officer unnecessarily placed a hold on his vehicle and that the officer failed to release the hold. The officer said a hold was placed on the vehicle pending criminal investigation. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #1- 2: The officers failed to investigate.

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

FINDINGS OF FACT: The complainant stated the officers did not ask her husband for his side of the story. The officers denied the allegation. A witness, desk clerk, stated the officers spoke to all parties and were professional. The incident report documents that the complainant's husband was provided the Miranda admonition and interviewed regarding this incident. The complainant was not present during the incident and two other witnesses did not respond for an interview.

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

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

FINDINGS OF FACT: The complainant stated that her husband was arrested instead of the individual who pulled out a knife and her husband hit in self-defense. The officers stated that the injured individual signed a citizen's arrest, and the complainant's husband later admitted to hitting the individual with a cane out of anger. The officers performed their duty per DGO 5.04 arrests by private citizens.

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SUMMARY OF ALLEGATION #5: The officer used force at the scene.

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

FINDINGS OF FACT: The complainant stated that the officers “re-broke” her husband’s hand. The officer denied the allegation. The complainant’s husband stated he had broken his hand a week prior and told the officer to be careful because his hand was broken. The complainant’s husband said the officer squeezed his hand so he screamed in pain and was pushed to the ground and handcuffed. The medical screening done at the station does not document any reported injuries or illness. The jail medical records document no recent injury or trauma other than the fracture that had occurred three days prior. There was no mention of police use of force in the medical records. The desk clerk stated the officers were professional. Two witnesses did not come forward for an interview. There is insufficient evidence to determine that the officer re-broke the complainant’s husband’s hand.

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

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

FINDINGS OF FACT: The complainant stated the officer threatened to break her husband’s hand again. The officer denied the allegation. The complainant’s husband stated the officer told him he would break his hand again if he did not shut up. Another witness stated the officers were professional. Other witnesses did not respond for interview. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated her husband told the officers he had an injured hand and the officer's response was, "keep it the fuck up or I will break it again." The officers denied the allegation. One witness stated the officers spoke to all parties and were professional. Other witnesses did not come forward for an interview. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #8-9: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officers did not provide her husband with medical treatment. The officers denied the allegation. The officers stated the complainant's husband did not complain of any pain or injury. The officers stated an ambulance was on scene treating the victim and could have easily provided treatment for the complainant's husband. The medical screening form done at the station also does not indicate any injury or pain. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that he was issued a citation for failing to yield to a pedestrian in a crosswalk but said the pedestrian was stepping off the sidewalk as he crossed the intersection. A dependent witness on scene stated the pedestrian had just taken one step off the curb when their truck had already crossed the intersection. Section 21950(a) of the Vehicle Code mandates motorist to yield to a pedestrian crossing a roadway on a marked crosswalk. The officer denied the allegation, stating that his observation of the violation was the only reason he had issued the citation, but was unable to provide a witness to verify the allegation. There is insufficient evidence to establish the pedestrian was already within the crosswalk when the complainant drove toward the intersection to create a safety hazard. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer released him after taking the signed citation, and promising to void it. The complainant received a courtesy notice in the mail indicating the citation had not been voided. The officer said he inadvertently submitted the citation along with others at the end of his shift in error, but appeared in Traffic Court and caused it dismissed as promised. The officer's discretion to void and cause to dismissal of the citation, which the complainant confirmed, were lawful, justified, and proper acts.

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SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to log E585 Traffic Stop Data as required by the department regulation.

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

FINDINGS OF FACT: The named officer acknowledged he did not log the traffic stop data as required by the Department regulation. He offered no explanation. A preponderance of the evidence proved that the conduct complained of did occur and, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant believed, but was not sure, that an officer pushed him down. He also stated he was unconscious for an hour. A witness stated he observed the complainant's interaction with the police and also observed the complainant for fifteen minutes before the officers arrived. The witness stated the complainant was never unconscious and the officers did not use any force on the complainant. The witness further stated the complainant appeared to be in an altered mental state. The officers stated that the complainant appeared to be in an altered mental state and they called for an ambulance Code 3. They denied using any force on the complainant. The allegation is unfounded.

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

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

FINDINGS OF FACT: The officer stated the complainant was in an altered mental state and could not safely stand on his own and kept trying to get up from a seated position. The officer handcuffed the complainant for his own safety and the safety of others. Another officer and a civilian witness confirmed this officer's account. The officers had the discretion to place handcuffs on the complainant for safety reasons. The officer's conduct was proper.

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SUMMARY OF ALLEGATION #4: The officer failed to issue the complainant a Certificate of Release.

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

FINDINGS OF FACT: The officer and a witness stated the complainant was in an altered mental state. An ambulance was called Code 3 and during that time, for safety reasons, the complainant was handcuffed. The handcuffing was determined to be proper. The officer stated he did not issue a Certificate of Release because the complainant was not detained in the course of a criminal investigation. The complainant was never arrested or detained for being publicly intoxicated. Section II.A.3. Of Department General Order 5.03 states that a Certificate of Release must be issued following an "investigative detention" if the person is physically restrained. Section II.A.4. further states that if a person is arrested solely for being under the influence and he is taken to a medical facility and no further proceedings are desirable, the person should be issued a Certificate of Release. In this case the complainant was never arrested or detained. The officer's conduct was proper.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged the officers arrested him without cause. The officers stated the complainant was arrested pursuant to Penal Code 647 (f) Public Intoxication, Penal Code Section 148(a) Resisting Arrest, and California Business & Professions Code Section 25620(a) Having an open container of alcohol. The contact with the complainant was appropriately documented in the incident report. The complainant admitted he consumed alcohol that day and acknowledged there was alcohol in the flask he was carrying in his backpack. Pursuant to Penal Code 647(f), an officer is authorized to place a person in civil protective custody. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officers made inappropriate comments. The officers denied the allegations. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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SUMMARY OF ALLEGATIONS #5-8: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant alleged officers used unnecessary force against him during his arrest. The officers denied the allegations. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #9: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged the officer used profanity. The officer denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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SUMMARY OF ALLEGATION #10: The officer wrote an inaccurate incident report.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainants stated the officer used profane language while communicating with a female fan at A.T.&T. Park. There were several witness statements, but the two independent witnesses did not directly confirm the language allegedly used. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants stated the officer was rude, yelling at a female fan at A.T.& T. Park. There were several witnesses, but there was insufficient evidence to establish whether the officer's conduct was out of policy.

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

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

FINDINGS OF FACT: The complainants stated the officer used profane language while communicating with the complainant at A.T.&T. Park. The preponderance of the evidence established that the officer used profane language toward the complainant.

SUMMARY OF ALLEGATION #4: The officer's threatening behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainants stated the officer exhibited threatening behavior and made inappropriate comments toward the complainant. There were several witnesses, but there was insufficient evidence to establish whether the officer's conduct was out of policy.

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SUMMARY OF ALLEGATION #5: The officer ejected the complainant from A.T.&T. Park without justification.

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

FINDINGS OF FACT: The complainant stated he engaged officers who were warning another fan regarding her behavior and later admitted he used profanity toward another officer who was monitoring his behavior. The San Francisco Giants advertise and broadcast frequently during games their rules of the game. The rules state that anyone using obscene or abusive language or engaging in any other antisocial conduct offensive to those around them will be asked by Giants personnel or the SFPD to cease the conduct. If the problem persists, appropriate action will be taken. Sworn and civilian witnesses on scene gave conflicting statement regarding the complainant's behavior to question whether it was warranted and reasonable to eject him from the game. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer used excessive force upon the complainant during his ejection from A.T.&T. Park.

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

FINDINGS OF FACT: The complainant stated that the officer shoved him down the aisle and later slammed him against a wall during his handcuffing while inside a tunnel prior to exiting the Park. The complainant denied he sustained any injuries. The officer denied the allegation. There were conflicting statements among numerous witnesses on scene as to the need to use and the degree of force used to overcome perceived resistance by the complainant. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged there was no need for the officer to handcuff him. The officer denied the allegation, and stated he handcuffed the complainant due to his uncooperative behavior, which presented a possible officer safety factor. There were conflicting statements among numerous witnesses as to the necessity to handcuff the complainant and about the level of resistance offered by the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer failed to properly identify himself.

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

FINDINGS OF FACT: The co-complainant alleged he asked the officer for his name and star number at a time when there were no witnesses around. The officer denied the allegation and stated he provided his name and star number to the co-complainant upon request. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer failed to issue a certificate of release.

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

FINDINGS OF FACT: The complainants alleged that the complainant was not issued any document regarding his detention in handcuffs or his ejection from A.T.&T. Park. The co-complainant was not present during the release of the complainant outside the Park. The officer denied the allegation and stated he issued the complainant a certificate of release, which was attached to his incident report. Two witnesses at the location where the complainant was released could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was arrested for violating a Restraining Order and a Citizen's Arrest was signed. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer behaved in an inappropriate manner.

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

FINDINGS OF FACT: The officer denied the alleged behavior. There are no other witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged she was detained without justification. The officers were questioned. One officer stated he detained the complainant for a moving traffic violation. The second officer did not recall if it was a moving violation or if a mechanical violation existed on the vehicle, due to the fact the driver was advised and no citation was issued. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged the officers searched her vehicle without cause during two separate vehicle stops. The officers were questioned. The officers stated they did not recall a search of the vehicle for either stop. The witness officer who was present during the first stop did not recall the incident. The complainant's witness stated the officers searched the car during the second stop. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged one of the officers made inappropriate comments and engaged in inappropriate behavior. All involved officers were questioned. The officers denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged the officer used unnecessary force. The officer denied the allegations. The witness officers were interviewed and corroborated the named officer's statement. An independent witness corroborated the officer's statement and refuted the allegations. Video surveillance footage of the jail proves that the officer was not present in the complainant's cell at the time he alleges force was used. The evidence proved that the acts alleged in the complaint did not occur, and that the named member was not involved in the acts alleged.

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

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

FINDINGS OF FACT: The complainant alleged the officer detained him without justification. The officer stated he detained the complainant pursuant to Penal Code 647 (f) Public Intoxication. The officer documented his observations in the Public Intoxication Report and stated the complainant was unable to care for himself. The witness officers were interviewed and corroborated the named officer's statement. An independent witness corroborated the officer's statement. Pursuant to Penal Code 647(f), an officer is authorized to place a person in civil protective custody. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer made inappropriate comments and engaged in inappropriate behavior. The officer denied the allegations. The witness officers were questioned and denied the allegations. An independent witness corroborated the officer's statement and refuted the allegations stating it was the complainant who made inappropriate comments to the officer and was yelling at the officer. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant, whose primary language is Japanese, stated that when the officer called her for an interview on the telephone, she requested an interpreter but the officer refused. The officer stated he was familiar with DGO 5.20 and although the complainant asked him for an interpreter initially, he went ahead with the interview. After the interview, the officer asked the complainant whether she agreed with his summary of the interview and she did. Department General Order 5.20 requires officers to provide language assistance whenever a Limited English Proficient individual requests language assistance. The pedestrian who reported being injured by the complainant described the complainant as looking confused and barely speaking English at the time of the incident. A preponderance of the evidence demonstrates that the officer violated Department General Order 5.20 when he did not provide the complainant an interpreter while questioning her about her actions in an injury traffic accident, failed to audio record his telephone interview of the complainant, and omitted in his traffic report that the complainant's first language is Japanese.

SUMMARY OF ALLEGATION #2: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The co-complainant stated that the officer lied about the San Francisco Police Department not providing Japanese language services and no security cameras in the garage where this accident took place. The co-complainant stated that he communicated with a sergeant who informed him that the San Francisco Airport parking lots do have security cameras and that the San Francisco Police Department does provide language services. The officer denied telling the complainants that the San Francisco Police Department does not provide language services and stated he told the complainants that there are cameras but not in the area where this occurred. The witness also stated that there was no camera in the area where the accident occurred. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 10/22/10 **DATE OF COMPLETION:** 08/30/11 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The officer stated he cited the complainant for running a red light. The officer's partner stated he also saw the complainant run a light that had been red for approximately three seconds. The complainant denied that she ran the red light. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant's license was suspended. Section 14607 of the California Vehicle Code as well as Department General Order 9.06 requires that the vehicle be towed when the driver's license is suspended. The officer's conduct was proper.

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DATE OF COMPLAINT: 10/22/10 **DATE OF COMPLETION:** 08/30/11 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer initially informed her that she had twenty minutes to have a friend get her vehicle but later told her that her car had to be towed. The officer stated he initially thought the complainant's driver's license was expired. He later discovered her driver's license was suspended. The officer's partner stated he was the one who conducted a record check on the complainant and learned her driver's license was suspended. He gave this information to the named officer, who responded, "I'll have to tell her that she can't have a licensed driver pick up the car." The officer initially gave the complainant misinformation but quickly corrected himself. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with Department General Order 2.02.

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

FINDINGS OF FACT: The officer stated he was never provided any training on preparing an OCC complaint form (form 293) pursuant to the requirements stated in Department General Order 2.02. He stated he believed he was required to write down everything the complainant and everything he said to the complainant, so everything was on record and there was no confusion. The officer's conduct was due to a training failure, as the officer was not properly trained in this subject matter.

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant said he called Taraval Station to file a police report. The complainant said the officer he spoke to on the phone was rude and arrogant. The station keeper at Taraval Station could not recall having any conversation with the complainant. The identity of the alleged officer was not established. No other witnesses came forward. There was insufficient evidence to name the station keeper and insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer refused to take a police report and refused to summon a supervisor upon request. The station keeper at Taraval Station could not recall having any conversation with the complainant. The identity of the alleged officer was not established. No other witnesses came forward. There was insufficient evidence to name the station keeper and insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer detained and cited him without cause. The complainant, by his own admission, admitted to crossing the street in the middle of the block. The complainant also stated he didn't think the officer could see him. The officer stated he detained and cited the complainant after witnessing him cross the street against a red signal light. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant alleged the officer damaged his personal property. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force on him when they struck him with their batons. The complainant said he was scared of the officers and ran from them. The officers used their batons and a flashlight to strike the complainant in order to get him into custody and for officer safety. The officers stated the complainant was not cooperative, resisted, and tried to flee the scene. A witness said the complainant was not cooperative, resisted, and assaulted the officers, but did not actually observe the officers use their batons. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he saw the two officers searching the belongings of a man sitting on the sidewalk. One of the officers leaned over, grabbed this man's arm and pulled it up so he could look at it, then released it. The complainant thought the officer's manner was intimidating. The named officer said he and his partner were searching a suspect who had a search condition. The suspect became agitated and attempted to prevent the officers from searching his socks and shoes, where narcotics were eventually found. The named officer was informed that the suspect had prior arrests for resisting and possession of a weapon and feared that the suspect might resist or attempt to flee. The named officer said he used a bent wrist control hold on the suspect in order to gain compliance. The named officer's partner confirmed that the suspect became agitated and refused to remove his socks and shoes, and that the named officer applied a bent wrist control hold. The suspect did not respond to contact by the OCC. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged the officer stopped his limousine without cause. The complainant stated he had documented clients and proved this to the officer. He denied committing any traffic violations. The officer denied the allegation. He did not recall the contact clearly, but stated he may have observed a moving violation. Since the complainant's documents were in order, he released him, per officer discretion. The witnesses did not see the entire interaction. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer improperly questioned his clients and acted in an inappropriate manner. The complainant stated the officer was offensive and abrasive. The officer denied the allegation and was carrying out his enforcement duties. The witnesses did not see the entire interaction. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to take required action by not documenting his call into dispatch.

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

FINDINGS OF FACT: The officer admitted he did not call his stop into dispatch, but denied such a failure was a safety issue. He said his failure to act was discretionary. Noting that his location was in an area where numerous police officers were patrolling during a special event, he said other officers were aware of his presence in the area. Pursuant to DGO 1.03, patrol officers are required to maintain contact with communications regarding all their calls. The officer was not on regular patrol, but working a dedicated form of enforcement, and hence not obligated to inform dispatch that he was unavailable for other assignments. The evidence proved that the act which provided the basis for the allegation occurred, however, the act alleged was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said the officer came to her apartment and arrested her without cause. The officer said he was dispatched to the complainant's apartment building regarding possible violation of a restraining order. The officer said that a computer check revealed that the complainant had a warrant for her arrest for failure to appear for a violation of a restraining order. The officer said he arrested the complainant based on the outstanding warrant, verified through the Central Warrants Bureau. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was lawful, justified and proper.

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

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

FINDINGS OF FACT: The complainant said after placing her in handcuffs, the officer pushed her from behind, lifted her up, and dragged her downstairs to a patrol car. The officer denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer placed her in tight handcuffs. The officer denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officer made inappropriate comments during the contact. The officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer failed to take required action by failing to loosen her handcuffs. The officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant wrote in his complaint, in part: "I was playing music at Powell Station as I regularly do and there was a complaint about me playing too close to a Muni pass kiosk." The complainant complained that one of the responding officers unnecessarily grabbed his belongings. The complainant said his belongings were not searched and were returned shortly thereafter. In response to the questionnaires sent to the officer, he wrote, in part, "I picked up an item near the person to get his attention." The behavior complained of does not rise to a level of misconduct. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged that a police vehicle pulled up to a person sleeping on the sidewalk and sounded its siren/horn. The complainant said that one of the officers then said over the loudspeaker, "This is no place to sleep, get up." The officers using the vehicle in question could not recall the incident in question. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer made a traffic stop without justification.

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

FINDINGS OF FACT: The officer had prior knowledge of the complainant's suspended driver's license from a prior contact. Upon observing the complainant drive a vehicle, he effected a traffic stop, cited the complainant and towed the vehicle, according to Departmental rules and regulations. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/03/10 **DATE OF COMPLETION:** 08/29/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 & 2: The officers selectively enforced the law against the complainant.

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

FINDINGS OF FACT: The complainant rode his bicycle on a public sidewalk and received a citation for the violation. The complainant said the officers failed to issue a citation for the same violation to another adult male and an unidentified juvenile male who rode their bicycles past the officers while the complainant was still in the vicinity. The officers stated they did not see another adult male being accompanied by a juvenile male or any other person riding their bicycles in the area at the time of their encounter with the complainant. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer yelled at him and interrupted him while the complainant was talking to another officer. The complainant said he was attempting to explain why he was riding his bicycle on a public sidewalk to the other officer. Furthermore, the named officer allegedly told the complainant, "I can interrupt anytime I want!" The officer stated he was professional with the complainant and denied making the comment attributed to him. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer did not fully investigate when an unknown male chided, pushed and hit him for taking a long time at an ATM. The complainant followed the assailant and saw the officer a few blocks from the scene of this incident and informed the officer of the incident. Unknown to the complainant, the assailant had just informed the officer that the complainant had assaulted him (the alleged assailant). The officer said he interviewed both parties but saw no visible injuries on either party. Both parties began to argue with each other. The officer intervened and stopped them. The officer ran a records check on both parties, which produced negative results. The officer asked each party what they wanted, and each party responded they did not want any further trouble. Both parties then left, walking in opposite directions. No independent witnesses were developed to corroborate the complainant's allegations. Photos obtained from the ATM do not furnish proof the complainant was assaulted. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to receive a citizen's arrest.

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

FINDINGS OF FACT: The complainant alleged the officer failed to effect the complainant's request for a citizen's arrest of the person who assaulted him. The officer said he investigated the incident but did not feel there was any evidence to support the complainant's allegation. Furthermore, the officer said the complainant never requested a citizen's arrest of the alleged assailant. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said she spoke to the officer and reported an incident involving another person. The complainant alleged the officer failed to provide her with the report number or any documentation of what the complainant had reported. The officer could not recall having any contact with the complainant. No other witnesses came forward. There was insufficient evidence to either 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 officer could not recall having any contact with the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated the officer detained him without justification. The officer stated he was conducting surveillance and the complainant resembled the description of the suspect he was looking for. Once it was discovered the complainant was not the person he was looking for, the officer let him go. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in this complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer was rude and arrogant toward him during his detention. The officer denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in this complaint.

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DATE OF COMPLAINT: 12/08/10 **DATE OF COMPLETION:** 08/22/11 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant admitted she could not turn left on any cross streets while on Market Street, though after observing other vehicles turn left, she turned left as well. The officer observed the complainant make a left turn from eastbound Market Street to northbound Front Street at an intersection posted "No Left Turn" and effected a traffic stop. During the traffic stop, the officer determined the complainant had established residency in California and was subsequently cited for the left turn and the driver's license violation. The intersection of Market and Front Streets are clearly marked with numerous No Left Turn signs posted in various positions. Based on Department Motor Vehicle rules and regulations, Office of Citizen Complaints concluded the complainant had established California residency and is required to have a California driver's license. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer determined the complainant had established residency for well over the 10 day period, indicated the proper company name as the registered owner, provided the accurate California Driver's License and cited the proper vehicle code section violations. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 12/08/10 **DATE OF COMPLETION:** 08/22/11 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #3: The officer's conduct was inappropriate.

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

FINDINGS OF FACT: The officer denied the allegation. The complainant became very argumentative and continued to explain her version of the law. The officer used a stern, business-like and authoritative voice, advised her of the law with regards to the violations and the manner in which to handle the citation. The officer denied his hands were trembling during the traffic stop. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/21/10 **DATE OF COMPLETION:** 08/09/11 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: A man called 911 to report that he had just purchased marijuana from a man in a brown truck who pulled a gun on him. The caller provided a detailed description of the man. Multiple officers who responded to the scene stated the complainant matched the description of the man with the gun and was found standing next to his camper, which was parked next to a brown truck. The named officers conducted a protective sweep of the complainant's camper for a weapon and located a BB gun and narcotics inside the camper. They arrested the complainant for possession of these narcotics. The officers' conduct was proper.

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

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

FINDINGS OF FACT: The officers stated they searched the complainant's camper after the complainant was detained for a gun investigation involving a man in a brown truck. The complainant matched the description of the suspect and his camper was parked next to a brown truck. The officers stated they conducted a protective sweep of the camper for the gun. The officers had probable cause to conduct a search for the gun. Their conduct was proper.

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DATE OF COMPLAINT: 12/21/10 **DATE OF COMPLETION:** 08/09/11 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: A man called 911 to report that he had just purchased marijuana from a man in a brown truck who pulled a gun on him. The caller provided a detailed description of the man. Multiple responding officers stated the complainant matched the description of the man with the gun and was standing next to his camper, which was parked next to a brown truck. The named officers conducted a protective sweep of the complainant's camper for a weapon and located a BB gun and narcotics inside the camper. They arrested the complainant and seized these items as evidence. The officers' conduct was proper.

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

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

FINDINGS OF FACT: The complainant alleged the officers damaged his television while they were searching his camper. The officers denied damaging the complainant's television and further stated that the complainant did not have a television in his camper. Eight officers at the scene stated that neither the complainant nor his wife complained about a damaged television. There were no other witnesses and no additional evidence to further prove or disprove the complainant's allegation.

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SUMMARY OF ALLEGATION #9: The officer threatened to strip search the complainant's wife.

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

FINDINGS OF FACT: The complainant stated an unidentified officer threatened to strip search his wife. His wife did not respond to contact attempts. A female officer at the scene stated she conducted a cursory search of the complainant's wife. She denied threatening the complainant's wife and did not hear any other officer threaten the complainant's wife. Ten officers at the scene stated they did not, and did not hear any other officer, threaten to strip search the complainant's wife. There were no other witnesses and no additional evidence to further prove or disprove the complainant's allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/16/10 **DATE OF COMPLETION:** 08/29/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The evidence proved that the act alleged did not occur due to an error made by the dispatcher at DEM. The officer responded to a call at a different location after the DEM dispatcher inadvertently cancelled the complainant's request for an officer. The officer was unaware there was a pending call from the complainant and thus he did not have sufficient information to respond to the complainant's call for service. DEM was made aware of the problem and stated that the matter is under investigation and corrective measures will be taken as deemed necessary.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/28/10 **DATE OF COMPLETION:** 08/12/11 **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 alleged in his written narrative that he phoned dispatch to have officers check out a suspicious vehicle. The complainant alleged that the responding officers failed to properly investigate what he had reported. The officers denied the allegation stating they responded to the location and observed a van matching the description given, legally parked. They ran a computer check of the license plate. During their investigation, they left the scene to assist another unit. They did not have time to complete the investigation to query the occupants to determine if a crime had been committed. The officers said they returned to the scene to complete the investigation and the van was no longer occupied. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: 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 Police Department
Internal Affairs Division
850 Bryant Street, Room 545
San Francisco, CA 94103

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DATE OF COMPLAINT: 12/30/10 **DATE OF COMPLETION:** 08/22/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-3: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated the officers ordered her to put her hands in the air but she could not because her hands were inside her coat. She stated an officer grabbed her hair and pushed her to the ground. She refused medical attention. Four officers stated that the complainant repeatedly refused orders to stop resisting arrest. One officer conducted a hair pull takedown and three officers went to the ground with the complainant. Another officer employed a left wrist control hold in an attempt to handcuff the complainant. The officers stated the complainant had no visible injuries and refused medical attention. Photos taken at the OCC show no visible injuries. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/24/11 **DATE OF COMPLETION:** 08/08/11 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers did not do anything when she was assaulted. The complainant failed to provide needed information regarding this incident in order to identify officers.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/28/11 **DATE OF COMPLETION:** 08/22/11 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 22, 2011.

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

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 22, 2011.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/28/11 **DATE OF COMPLETION:** 08/22/11 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #1: The officer failed to provide his name and star number.

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 22, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/01/11 **DATE OF COMPLETION:** 08/03/11 **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 alleged the officer behaved inappropriately and/or made inappropriate comments. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer seized the complainant's boat without cause.

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

FINDINGS OF FACT: During a criminal investigation, the officer learned that the complainant's boat was inappropriately sold or stolen. The complainant's boat was seized for further investigation. The evidence proved that the act, which provided the basis for the allegation, occurred, however, such act was justified, lawful, and proper.

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DATE OF COMPLAINT: 02/03/11 **DATE OF COMPLETION:** 08/08/11 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant alleged the officers arrested his friend without cause. The officers denied the allegation. The complainant's friend has not been located. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: