

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/12 **DATE OF COMPLETION:** 08/30/12 **PAGE#** 1 of 2

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

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

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

SUMMARY OF ALLEGATION #2: The officer made a sexually derogatory comment.

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

FINDINGS OF FACT: The complainant stated the officer made a sexually derogatory comment toward her. The officer denied the allegation. There were no independent witness to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer refused to provide his name and star number.

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

FINDINGS OF FACT: The complainant stated the officer refused to provide his name and star number. The officer denied the allegation. There were no independent witness to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/26/12 **DATE OF COMPLETION:** 08/02/12 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that he, his girlfriend and his cousin were walking down the street when two uniformed officers in a patrol car stopped and detained them. The complainant stated that the named officer took his girlfriend aside, made inappropriate comments to her and directed her to walk away from the scene. The named officer then made insulting comments to the complainant and his cousin and told the complainant that his girlfriend wanted no further contact with him. He ordered the complainant to stay away from her and threatened to take action against the complainant if he saw him with her again. The complainant's cousin stated that the named officer made insulting comments to him and the complainant and told them they were a bad influence on the complainant's girlfriend and that they should have no further contact with her. He stated that the named officer ordered him and the complainant to walk in the opposite direction as the complainant's girlfriend and told them he did not want to see them talking to her again. The named officer denied the allegation. A witness officer corroborated the named officer's statement. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the named officer used profanity during a detention on the street. The complainant's cousin, who was also detained, stated that he did not recall the officer using profanity. A witness officer stated that he had little recollection of this incident. The named officer denied using profanity. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that his girlfriend told him the named officer made sexually harassing comments to her while speaking with her privately during the detention. The complainant's girlfriend stated that the officer did not make any sexually harassing comments. The statements she described the named officer making to her did not constitute sexual harassment. 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:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that on January 12, 2012, her vehicle was broken into while parked on Spear Street. She stated that the following day an officer called her to tell her that he witnessed the burglary and had recovered her stolen belongings. The complainant stated that the officer told her that he did not have the opportunity to apprehend the suspect, but that he would be caught soon. The complainant was upset that an officer had witnessed a crime being committed and had not taken action to apprehend the suspect. The named officer confirmed that he did witness the auto burglary while conducting undercover surveillance. He stated that he was unable to apprehend the suspect at the time due to safety concerns and lack of sufficient officers being present. He stated that the suspect was subsequently arrested for multiple counts of auto burglary. Court records confirmed that the suspect was arrested the following day and charged with the crime relating to the complainant's vehicular burglary. 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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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

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

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

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

FINDINGS OF FACT: The complainant stated that the officer would not pay attention to him and that the officer threatened him by saying the complainant was lucky he was not going to jail. The officer stated that the complainant smacked him on the back. The officer then ordered the complainant not to touch him because of officer safety. The officer denied threatening the complainant about going to jail and stated that he was attentive to the complainant. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #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 ALLEGATIONS #:

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 said he walked inside an empty restaurant to eat lunch, and saw an old, abandoned notebook computer lying on a table. He left the restaurant and returned about one hour later. He saw the notebook computer in the same location. The complainant examined it and found it did not work. He took it and gave it to a homeless woman as a Christmas gift. A few days later, the officers arrested the complainant when he returned to the same restaurant. The officers said they viewed a video recording of the incident and saw that the victim inadvertently left the notebook computer on the table when she exited the restaurant. A few minutes after she left, the complainant walked into the restaurant and noticed the item lying on the table. He placed an order for food, received his order and removed the item from the table as he walked out of the restaurant. The victim returned a few minutes after the complainant exited the restaurant and found the notebook computer was gone. She reported the loss of her relatively new computer to the restaurant manager. The victim and the manager viewed the video. The manager had seen the complainant as a customer on previous occasions. Days later, when the complainant returned to the same restaurant, the manager called the victim who called the police and reported the incident as a theft, while the complainant was still inside the restaurant. Police arrived, detained the complainant, interviewed all of the parties involved and subsequently arrested the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant told the officer he had a leg disorder that prevented him from getting into the small, confined, rear seat of the patrol car. He initially said the officer ignored his explanation and forced him into the rear seat, regardless of the complainant's medical condition. Additionally, the complainant stated the officer kicked his legs with her boot until she got them inside the patrol car. The complainant later changed his story and said the officer may have pushed his legs with her boot in order to get his legs inside the patrol car, but he was not sure. A non independent witness said the officers who were at the scene neither kicked the complainant's legs nor used any type of force on the complainant. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said he explained to the officer that he had a medical condition, which prevented blood from flowing to his legs if he were seated and confined to a small space such as the rear seat of a patrol car. Consequently, he could not get out of the patrol car. The complainant said the officer ignored his explanation, grabbed him by the shirt, threw him out of the patrol car and onto the ground. The complainant then fell on his back and injured his wrists. The officer said he placed his arms under the complainant's arms and gently lifted him out of the rear seat. The officer then sat the complainant on the ground by the patrol car. He said the complainant did not fall on his back or injure his wrists during the process. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer applied the handcuffs too tightly.

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

FINDINGS OF FACT: The complainant said the officer applied the handcuffs too tightly at the location of his arrest, and refused to loosen them despite his repeated requests to do so. When the complainant arrived at the police station, he complained to another officer about the tight handcuffs. The unidentified officer then loosened them to fit more comfortably. The arresting officer said she did not remember whether the complainant complained of the handcuffs being too tight. The officer said that as a matter of routine, she double locks the handcuffs and ensures they have the proper degree of tightness in compliance with Department policy. A non independent witness at the scene of the incident said the complainant did complain that the handcuffs were applied too tightly, but she saw the officer adjust them to fit more comfortably. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer displayed inappropriate behavior and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant said he explained to the officer that he did not commit the theft for which he was accused. He also explained his medical condition to the officer, but the officer ignored everything he was telling her. The complainant said the officer, in an attempt to drown out his explanations, turned up the volume of the AM/FM radio to an exceptionally high level inside the patrol car. The officer denied doing this. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer failed to comply with Department General Order 5.18

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

FINDINGS OF FACT: The complainant indicated the officer failed to ensure his physical safety by calling on the assistance of a much larger officer who intentionally threw the complainant out of the rear seat of the patrol car, on the ground and onto his back. The assisting officer's action caused the complainant to injure his wrists that were handcuffed behind his back. The complainant, a cab driver, alleged the officer ignored the complainant's explanation of his medical condition that caused him to be unable to move his legs while he was confined to the rear seat of the patrol car. The arresting officer said the complainant was completely uncooperative from the moment she and her partner had contact with the complainant. The officer said the complainant refused to get inside the patrol car from the very beginning. A witness said the officers asked the complainant several times to get in the patrol car, but the complainant refused. The witness said the officers waited an exceptionally long period of time for the complainant to finally get in the patrol car. When she arrived at the police station, the arresting officer said she asked the complainant to get out of the patrol car but he refused. The officer did not want to hurt the complainant by assisting him in getting out; so, she requested another officer to help. Another officer helped but the complainant fell on the ground; however, both officers said the complainant was not injured and did not complain of any pain. The Medical Screening Form indicates the complainant refused to sign it and refused to answer any of the questions appearing on this form. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was detained after trying to get to a demonstration that was behind a police barricade. He initially stated police never ordered him to stop but later stated he was not sure if an officer ordered him to stop. The named officer's supervisor stated the complainant breached a police barricade and failed to stop when ordered to do so. He stated he ordered the named officer to detain the complainant. A witness officer stated the complainant breached a police barricade and failed to comply with repeated orders to stop. The named officer stated the complainant refused to comply with several orders to stop. The officer placed his hand on the complainant's arm to stop him and the complainant flailed his arm, causing the officer to lose his grip. Based on the evidence obtained, there was a preponderance of evidence that the complainant breached a police barricade and failed to obey orders to stop. The officer's action was proper.

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

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

FINDINGS OF FACT: The complainant was cited for failing to comply with police orders, resisting arrest, disobeying traffic instructions and not having required reflectorized material on his bicycle tires. The complainant stated he had reflectors on his tires. Two witness officers stated they did not know if the complainant's bicycle tires had reflectors. The named officer stated the complainant's bicycle did not have a white or yellow reflector on each side forward of the center of the bicycle, a white or red reflector on each side to the rear of the center of the bicycle or reflectorized tires on the front or rear, in violation of California Vehicle code section 21201(d)4. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was not informed why he was arrested until he was cited, ninety minutes after his arrest. According to Computer-Aided Dispatch records, this incident lasted thirty-five minutes, not ninety minutes. The named officer stated he told the complainant why he was being detained and why he was being cited. A witness office stated the complainant was told why he was detained and cited. The complainant acknowledged that he was told why he had been detained and cited. The complainant was informed why he was detained within thirty-five minutes of his detention. The officer's conduct was reasonable and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: During the Office of Citizen Complaints investigation numerous attempts were made to identify the officer involved, to no avail. Based on the information provided by the complainant, the San Francisco Police Department could not identify the officer. Several officers in the area of the contact were questioned but all denied any knowledge of the incident. Furthermore, the complainant was unable to identify the involved officer from photo lineups of potentially involved officers. There were no witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity towards the complainant.

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

FINDINGS OF FACT: During the Office of Citizen Complaints investigation numerous attempts were made to identify the officer involved, to no avail. Based on the information provided by the complainant, the San Francisco Police Department could not identify the officer. Several officers in the area of the contact were questioned, but all denied any knowledge o the incident. Furthermore, the complainant was unable to identify the involved officer from photo lineups of potentially involved officers. There were no witnesses to this contact. 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:** NF/W **DEPT. ACTION:**

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately and 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 ALLEGATIONS #1 & 2: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officers failed to assist her or to write a report concerning an assault upon her. The officers stated that they summoned an ambulance for the complainant but she declined treatment; that they prepared a report concerning the alleged assault and searched for the suspect the complainant described with negative results. Department records establish that the officers summoned an ambulance and prepared a report. The evidence proved that the officer acted properly.

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

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

FINDINGS OF FACT: The complainant stated that she told the officers she wanted to press charges against the hospital for failing to treat her. The complainant's medical records state that she was treated and discharged from the hospital but refused to leave, and that police were summoned. The named officers stated that the complainant told them she wanted to press charges against the hospital for malpractice and they informed her that was a civil and not a criminal matter. The evidence proved that the officers acted properly.

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

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

FINDINGS OF FACT: The complainant stated that she told the officers she wanted to press charges against the hospital for failing to treat her. The complainant's medical records state that she was treated and discharged from the hospital but refused to leave, and that police were summoned. The named officers stated that the complainant told him she had not been properly treated and wanted to be re-admitted to the hospital. Hospital staff told the officer that the complainant had been treated and discharged but refused to leave and created a disturbance. The officer arranged for the complainant to be transported to a different hospital. The evidence proved that the officers acted properly.

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

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

FINDINGS OF FACT: The complainant stated that the officers failed to render aid to her and did not summon a supervisor to the scene or prepare a report. Department records establish that the officers responded to a call by hotel security personnel concerning a trespasser in front of the hotel. Department records also establish that the named officers summoned an ambulance that transported the complainant to the hospital. The evidence established that the officers responded to the complainant's request for aid by summoning an ambulance but that the officers had no obligation to summon a supervisor to the scene or prepare a report. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/01/12 **DATE OF COMPLETION:** 08/08/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with SFPD Department Bulletin 11-092.

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

FINDINGS OF FACT: The complainant stated she saw an SFPD officer talking on his cell phone and texting while driving a police car. The officers questioned by the OCC denied the allegation and could not recall who was driving the police car on the day in question. No other witnesses came forward. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

CATEGORY OF CONDUCT: ND **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 behaved inappropriately and/or made inappropriate comments.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that she was arrested without cause for shoplifting. The officers stated that a security guard had filled out a Citizen's Arrest Card. The security guard stated that he observed the complainant shoplifting and detained her until police arrived. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3 & 4: The officers behaved inappropriately and/or made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The complainant alleged that the officers behaved inappropriately and/or made inappropriate comments. The officers denied the allegation. The security guard present at the scene made statements in support of the officers. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5 & 6: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated both officers refused to loosen her handcuffs. The officers denied the allegation. The security guard present at the scene made statements in support of the officers. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer used unnecessary force by placing the complainant in tight handcuffs.

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

FINDINGS OF FACT: The complainant stated the officer placed her in tight handcuffs. The officer stated that she checked the complainant's handcuffs for the appropriate degree of tightness and that her handcuffs had been appropriately secured. The witness officer and a security guard present at the scene both stated that the complainant did not complain about her handcuffs being too tight. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer searched the complainant multiple times without cause.

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

FINDINGS OF FACT: The complainant stated the officer repeatedly searched her, searching her in a violent and sexual manner. The officer stated she believes she searched the complainant three times: the first for a weapons search, the second for an arrest, and the third for booking at county jail. The officer denied that she searched the complainant in a violent and sexual manner. The witness officer stated that multiple searches would not be out of the ordinary in this situation. The security guard present at the scene saw nothing out of the ordinary in this police interaction. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer searched her in a violent and sexual manner. The officer stated that she did not use force, nor did she search the complainant in a sexual manner. The witness officer stated the officer conducts her searches in a professional manner and this time was no exception. The security guard stated he saw nothing out of the ordinary here, nor did he see anything physically abusive in the way the officers handled the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1-2: The officers engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that several officers confronted him at his home without explanation. The named and witness officers stated that a neighbor had reported the vandalism of a car and that the suspect had fled to the complainant's apartment. The neighbor identified the complainant as the perpetrator. The officers responded to a dispatched call from the reportee within minutes. The reportee directed the officers to complainant's address. The reportee's contact information was reported in the CAD. The reporting party was interviewed by OCC and stated that he was 100 % sure that his neighbor, the complainant was observed engaging in vandalism. The officers confronted the complainant based upon what was reported. The officers conducted an investigation and concluded that there was insufficient investigation to affect an arrest. The officers' actions were proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers detained the complainant at gunpoint.

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

FINDINGS OF FACT: The complainant alleged that the officers detained him at gunpoint. The evidence shows that the officers responded to a call involving a person with a gun. A witness who reported the incident stated that the complainant was reaching in his pocket and kept saying he had a gun. The evidence therefore proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3-6: The officers failed to state the reason for the complainant's detention and/or arrest.

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

FINDINGS OF FACT: The complainant alleged that the officers failed to tell him the reason for his detention and/or arrest. The officers denied the allegation. The officers stated that they informed the complainant the reason why he was in police custody. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

SUMMARY OF ALLEGATIONS #1-2: The officers failed to Mirandize the complainant.

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

FINDINGS OF FACT: The officers arrested the complainant for illegal sales of narcotics to an undercover officer. The complainant alleged that the officers failed to read him his rights. The officers denied the allegation, stating that the complainant was never questioned or asked incriminating questions. The complainant supported the officers' assertion that he was never questioned. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/12 **DATE OF COMPLETION:** 08/31/12 **PAGE** #1 of 4

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

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

FINDINGS OF FACT: The complainant said the officer stopped him for no apparent reason. The officer handcuffed and detained the complainant until the officer completed a records check based on the complainant's name. When the results of the records check came back negative, the officer released the complainant. The officer said he was driving his patrol car through the neighborhood that had a problem with vehicle break-ins when he saw the complainant wearing a sack slung over his shoulder peering through the windows of parked unoccupied cars. The complainant looked up, noticed the officer and watched the officer as the officer drove past. The officer drove the patrol car around the block intending to observe the complainant's actions. The officer then saw the complainant at an intersection. The complainant looked at the officer and began yelling profanities. The officer got out of his patrol car to approach the complainant who directed profanities at the officer. The complainant became increasingly belligerent and uncooperative. The officer called for back-up assistance, detained and handcuffed the complainant due to the complainant's escalating belligerent behavior. A witness, who was familiar with the complainant's unprovoked belligerent behavior, saw the contact between the officer and the complainant. The witness supported the officer's description of this contact. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer did not have any reason to handcuff him. The officer, who was investigating the complainant's suspicious behavior, said the complainant was yelling profanities, being uncooperative and becoming increasingly belligerent. The officer feared the complainant's behavior was escalating out of control. The officer said the only way to control the complainant was to place him in handcuffs and seat him in the rear seat of the patrol car until the officer completed his investigation. A witness confirmed the complainant was yelling profanities and walking around uncontrollably while the officer was attempting to calm the complainant. The witness heard the officer say, "Sir, I just want to ask you a few questions." 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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DATE OF COMPLAINT: 03/08/12 **DATE OF COMPLETION:** 08/31/12 **PAGE** #2 of 4

SUMMARY OF ALLEGATION #3: The officer applied the handcuffs too tightly.

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

FINDINGS OF FACT: The complainant alleged the officer applied the handcuffs too tightly. The officer denied he applied them too tightly and said he applied them in accordance with Department policy, checking them for the proper degree of tightness. A witness who was standing nearby saw the encounter between the complainant and the officer. The witness heard the complainant yell the handcuffs were too tight as soon as the officer put the handcuffs on him, but the witness said the officer did not apply them too tightly. The witness said the complainant had been yelling at the officer prior to being handcuffed and just wanted to make a scene for others (passers-by) to witness. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer kicked the complainant.

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

FINDINGS OF FACT: The complainant stated the officer kicked him in his ankles four or five times; then, instructed the complainant to spread his legs. The complainant stated the officer did not instruct him to spread his legs before the officer kicked his ankles. The officer denied kicking the complainant in the ankles. A witness, who was standing nearby and saw the entire incident, said the officer did not kick the complainant or use any type of unnecessary force. The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/08/12 **DATE OF COMPLETION:** 08/31/12 **PAGE** #3 of 4

SUMMARY OF ALLEGATION #5: The officer threatened the complainant with inappropriate comments and displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant alleged the officer recklessly drove up on him to detain him. Additionally, the complainant alleged the officer attempted to force the complainant to say he respected the officer; otherwise, the officer was not going to release him. The complainant refused to say he respected the officer and the officer pushed him into the patrol car. The complainant said the officer ultimately removed the handcuffs, but threatened coming back to get the complainant. The officer denied driving recklessly and making the above statements to the complainant. A witness, who operates a business near the scene of this incident, was standing nearby. The witness saw the entire incident from beginning to end and said the officer did not say or do anything that was inappropriate. The witness described the officer as polite and professional. The witness said that to the contrary, it was the complainant who was uncooperative and acting irrationally. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #6: The officer failed to issue a Certificate of Release to the complainant.

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

FINDINGS OF FACT: The complainant said the officer handcuffed him and later released him after the officer completed his investigation; however, the officer refused to give the complainant a Certificate of Release despite the complainant requesting one. The officer said he wrote a Certificate of Release and gave it to the complainant to sign, as witnessed by another officer who assisted. However, the complainant refused to accept and sign it. The assisting officer confirmed the named officer's description of this event. A witness, who operates a business near the scene of this incident, was standing nearby and saw the entire incident. The witness described the complainant as irrational and uncooperative. The named officer booked the unsigned Certificate of Release as evidence. 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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DATE OF COMPLAINT: 03/08/12 **DATE OF COMPLETION:** 08/31/12 **PAGE** #4 of 4

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

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

FINDINGS OF FACT: The complainant said the officer removed the knitted cap from the complainant's head during the detention, but refused to return it to the complainant after the officer had completed his investigation. The officer did not remember anything about the complainant wearing a cap; therefore, he could not remember whether he returned it to the complainant. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/01/12 **DATE OF COMPLETION:** 08/01/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-5: The officers contacted the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that her son never lived with her at this address and does not use her address. The officers stated that the complainant's son does use the address for his DMV records. The officers had reasonable suspicion to contact the complainant. The information provided proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #6: The officers entered the complainant's home without cause.

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

FINDINGS OF FACT: The complainant stated that officers came to her home looking for her son on several occasions. The complainant stated that because she had nothing to hide she let the officers come inside of her residence to look for her son on one occasion. However, on another occasion she did not give them permission to enter and stated that one officer spoke to her while one entered her residence to look inside. The officers were looking for the complainant's son since February 17, 2012 for aggravated assault and were finally able to arrest him on March 25, 2012. One officer stated the complainant gave him permission to enter. Other officers denied making entry. The complainant did not have exact dates of when the officers made entry without her permission. There is insufficient evidence to prove or disprove that officers entered without permission.

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DATE OF COMPLAINT: 01/31/12 **DATE OF COMPLETION:** 08/27/12 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated the officer conducted two traffic stops of her vehicle without cause on two separate dates. The complainant admitted in her OCC interview that she had a suspended driver's license on both dates and that she threatened the officer. The officer stated that he had knowledge that the complainant's driver's license was suspended and that she threatened him during their contact. The officer stated that he arrested the complainant for the threat. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer conducted a traffic stop on her on two separate occasions. The complainant stated the officer's purpose was to "mess" with her and that the officer made fun of her during these stops. The officer denied the allegation. The independent witness who came forward for one of the incidents did not hear the entire conversation. There were no independent witnesses for the other incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 01/31/12 **DATE OF COMPLETION:** 08/27/12 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #3: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated the officer's two traffic stops of her were harassment. The officer stated that he stopped the complainant on two separate occasions within five days of each other. The officer stated that he had prior police contacts with the complainant before conducting the traffic stops and knew that her driver's license was suspended/revoked and that she could not lawfully drive a vehicle. During the first incident, the officers observed the complainant driving and performed a traffic stop. The officer's computer query confirmed the complainant's license was suspended. Five days later, within 3.5 blocks of the first incident, the officer saw the complainant driving again and conducted another traffic stop. Based on the prior incidents, the officer reasonably believed the complainant's license was still suspended. His investigation during the second stop showed that the complainant's license was still suspended. The evidence proved that the acts which provided the basis for the allegations occurred, however, the acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity when speaking to her. The officer denied the allegation. The independent witness who came forward for one of the incidents did not hear the entire conversation. There were no independent witnesses for the other incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 01/31/12 **DATE OF COMPLETION:** 08/27/12 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #5: The officer towed a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that she was driving different vehicles on two separate dates, when the officer conducted traffic stops and then towed each vehicle without cause. The complainant admitted to the OCC that on both occasions, she was driving on a suspended driver's license. The officer stated that he knew the complainant had a suspended license and could not lawfully drive. During each incident, the officer queried the complainant and it was determined that her driver's license was suspended. Pursuant to Department policies and procedures, the officer was required to tow the vehicles the complainant was driving because she was driving on a suspended license. The evidence proved that the acts, which provided the basis for the allegations occurred, were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/02/12 **DATE OF COMPLETION:** 08/31/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that while at the ballpark, a fan stole a rally towel from the complainant's cousin. When the complainant made contact with the officer, he detained her and ordered her to sit on the ground. The complainant stated she had been drinking but was not intoxicated. The officer stated he observed the complainant had been in a verbal fight with a male fan and she was intoxicated. He stated the complainant pushed him, yelled at him and refused to sit on the ground when ordered to do so. The officer stated the 49ers, for whom he was working that night, have a "zero-tolerance" policy for drunkenness and inappropriate behavior. A witness stated the complainant was extremely intoxicated and took a swing at the officer. Based on a preponderance of evidence, the officer's conduct was justified.

SUMMARY OF ALLEGATION #2: The officer ejected the complainant from Candlestick Park without justification.

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

FINDINGS OF FACT: The complainant stated she was ejected from the park after confronting a fan who stole a rally towel from her cousin. The complainant stated she had been drinking but was not intoxicated. The officer stated he observed the complainant engage in a verbal fight with a male fan. While the officer was speaking to the male fan, the complainant came up behind the officer and attempted to push past him. He stated the complainant yelled at him and refused orders to back away and sit on the floor. The officer stated the 49ers, for whom he was working that night, have a zero-tolerance policy for drunkenness and inappropriate behavior. The officer stated he ejected the complainant not because she was drinking but because he was concerned that her belligerent and inappropriate behavior would continue. The officers who escorted the complainant outside the stadium stated they observed objective signs of intoxication on the complainant and stated she kept repeating herself. A witness stated the complainant was extremely intoxicated and took a swing at the officer. Based on a preponderance of evidence, the officer's conduct was justified.

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DATE OF COMPLAINT: 04/12/12 **DATE OF COMPLETION:** 08/24/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer is no longer a member of the San Francisco Police Department.

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

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

FINDINGS OF FACT: The complainant stated that an unidentified female officer from Mission police station called him to inform him that nothing would be done for him in this case. The complainant also stated the female officer told him to stop contacting other agencies before she hung up. Department records show that the named member was assigned to follow up on this investigation. The officer denied the allegation. There were no witnesses to their telephone conversation and it was not recorded. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/13/12 **DATE OF COMPLETION:** 08/22/12 **PAGE** #1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/18/12 **DATE OF COMPLETION:** 08/14/12 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that an officer made a hand gesture mimicking a gun pointed at his face. The arresting officers stated they did not witness this act. The police station poll also did not identify any officer with the description the complainant provided. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/12 **DATE OF COMPLETION:** 08/22/12 **PAGE# 1 of 3**

SUMMARY OF ALLEGATION #1: The officer towed a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that an officer stopped him and told him he had a suspended license. The complainant stated that he had cleared the suspended license, but the officer towed the vehicle away anyway. The officer stated that he stopped the complainant because he conducted a warrant check on the complainant earlier that week and knew that his license was suspended. Documents show that the officers checked the complainant's driving status again during the detention. Per department regulations, vehicles driven by those with suspended licenses shall be towed. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the officer searched his vehicle and the trunk of the vehicle without permission. The officer stated that he was towing the vehicle because the complainant's license was suspended and conducted the search in order to inventory the vehicle as required before towing. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer put him in handcuffs while the officer searched his vehicle. The officer stated that he detained the complainant for driving on a suspended license. The officer had previous contact with the complainant and knew the complainant has a history of carrying concealed weapons. The officer handcuffed the complainant during the detention for safety concerns. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #4: The officer conducted a pat search without justification.

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

FINDINGS OF FACT: The complainant stated that the officer searched him by placing his hands around his pocket areas and his crotch area. The officer stated that he detained the complainant for driving on a suspended license. The officer had previous contact with the complainant and knew the complainant has a history of carrying concealed weapons. The officer searched the complainant during the detention for safety concerns. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that he was detained in the back of a police vehicle while the officer towed his vehicle. The complainant stated that his license was valid despite the officer's claim that it was suspended. The officer stated that he detained the complainant as per procedure when towing a vehicle of an unlicensed driver. The evidence proved that the officer searched the complainant's status for driving and determined his license was suspended. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that an officer drove up to him and immediately told the complainant that his license was suspended. The complainant did not think it was appropriate for the officer to say this before even seeing the complainant's driver's license. The officer stated that he already knew the complainant from a previous encounter and had checked the status of his license during a routine warrant check earlier in the week. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, the act was justified, lawful and proper.

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DATE OF COMPLAINT: 05/09/12 **DATE OF COMPLETION:** 08/08/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer told her she did stop at the stop sign but did not stop long enough. The officer denied making the alleged statement and said that the complaint failed to stop at the stop sign. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer wrote an inaccurate citation. The officer denied the allegation. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 05/14/12 **DATE OF COMPLETION:** 08/10/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he witnessed a collision between a bicyclist and a police vehicle and he wanted to give a statement to the officers who arrived on scene after the collision. He spoke with a supervising officer on scene about how he believed the officers were at fault and the supervising officer gave him a really "huffy" attitude and tried to intimidate the complainant. The officer stated that the complainant was angry and made inappropriate comments to him while he remained calm and professional. An independent witness, the bicyclist, who had earlier been in the collision with the police vehicle, stated that the named officer was "extraordinarily professional" throughout the encounter and the complainant was the one being inappropriate. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated that he asked the officer for his name and "badge" number during their encounter. The officer then responded by crossing his arms and covering his star number and by pointing to the embroidered name on his uniform, saying nothing. The officer stated that the complainant never asked for his name and star number. An independent witness stated that he heard the complainant ask the officer for his name and thinks the officer told the complainant his name. The independent witness did not hear the complainant ask for a badge number and further stated that he did not hear the entire conversation between the officer and the complainant. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer conducted an investigation of an officer-involved traffic collision involving a bicycle and a patrol vehicle. The officer interviewed the bicyclist and a witness and recorded their statements in the police report. The officer stated only that he documented the party's statements in the incident report. It is unclear exactly what the witness and bicyclist told officer as there was no recording of their interview. There were no independent witnesses to the entire investigation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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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 complainant was stopped and cited for failing to yield to oncoming traffic. The complainant and co-complainant stated that, prior to being stopped, the complainant wagged his finger at the officer after he saw the officer drive in what he believed to be an unsafe manner.

The officer stated the complainant cut in front of the officer to make a left turn. The officer stated it was an unsafe maneuver and the officer had to stop suddenly to avoid colliding with the complainant. He cited the complainant for failing to yield to oncoming traffic.

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

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

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

FINDINGS OF FACT: The complainant and co-complainant stated the officer was confrontational and during their conversation commented, "So you want to play that game?" The complainant provided an audio recording of their conversation. In that recording, the officer can be heard saying, "You want to play that game?" The officer stated that he made this comment after the complainant repeatedly and belligerently refused to answer the officer's questions to determine the complainant's residency. When the complainant was issued the citation, he accused the officer of being on drugs. The co-complainant can be heard laughing at the officer.

A witness officer stated the complainant was loud, angry and rude to the named officer. He stated that as the complainant was leaving, "He flipped me off."

There is insufficient evidence that the officer's comment rose to the level of misconduct.

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DATE OF COMPLAINT: 05/21/12 **DATE OF COMPLETION:** 08/17/12 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he has been detained, handcuffed and searched several times for no apparent reason. Each time he was detained, the complainant stated the officers used unnecessary force. The complainant feels that he is being harassed by officers from his district. The complainant was unable to provide specific dates when these contacts were made, except for one date. The Office of Citizen Complaints was unable to locate the alleged contacts. The identity of the officers has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he has been detained, handcuffed and searched several times for no apparent reason. Each time he was detained, the complainant stated the officers used unnecessary force. The complainant feels that he is being harassed by officers from his district. The complainant was unable to provide specific dates when these contacts were made, except for one date. The Office of Citizen Complaints was unable to locate the alleged contacts. The identity of the officers has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/21/12 **DATE OF COMPLETION:** 08/17/12 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that he has been detained, handcuffed and searched several times for no apparent reason. Each time he was detained, the complainant stated the officers used unnecessary force. The complainant feels that he is being harassed by officers from his district. The complainant was unable to provide specific dates when these contacts were made, except for one date. The Office of Citizen Complaints was unable to locate the alleged contacts. The identity of the officers has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he has been detained, handcuffed and searched several times for no apparent reason. Each time he was detained, the complainant stated the officers used unnecessary force. The complainant feels that he is being harassed by officers from his district. The complainant was unable to provide specific dates when these contacts were made, except for one date. The Office of Citizen Complaints was unable to locate the alleged contacts. The identity of the officers has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officers searched the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he has been detained, handcuffed and searched several times for no apparent reason. Each time he was detained, the complainant stated the officers used unnecessary force. The complainant feels that he is being harassed by officers from his district. The complainant was unable to provide specific dates when these contacts were made, except for one date. The Office of Citizen Complaints was unable to locate the alleged contacts. The identity of the officers has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officers failed to take the required action.

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

FINDINGS OF FACT: The complainant stated that he has been detained, handcuffed and searched several times for no apparent reason. Each time he was detained, the complainant stated the officers used unnecessary force. The complainant feels that he is being harassed by officers from his district. The complainant was unable to provide specific dates when these contacts were made, except for one date. The Office of Citizens Complaints was unable to locate the alleged contacts. The identity of the officers has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/12 **DATE OF COMPLETION:** 08/31/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The named officer is no longer a member of the San Francisco Police Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/12 **DATE OF COMPLETION:** 08/09/12 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the officer issued her a citation for making an illegal left turn. The complainant admitted that she inadvertently made the illegal left turn as she did not read the posted signs correctly. The officer stated that he observed the complainant make an illegal left turn. He then issued the complainant a citation for a violation of CVC 22101C – illegal left turn. The evidence showed that the conduct that provided the basis for the allegation occurred, however, said conduct was appropriate and lawful.

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

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

FINDINGS OF FACT: The complainant stated that the officer did not properly complete the citation when he incorrectly spelled her name on the citation. The officer admitted that he spelled the complainant's name incorrectly but obtained other needed information on the citation so that the citation could be properly processed. The evidence established that the officer made a clerical error. However, there is no evidence that the clerical error constituted sustainable misconduct or caused harm or consequences to the complainant as the citation was properly processed by the court. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/12 **DATE OF COMPLETION:** 08/09/12 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer's behavior and conduct were inappropriate.

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

FINDINGS OF FACT: The officer denied the allegation. There were no independent witnesses to the contact. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/12 **DATE OF COMPLETION:** 08/23/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 16, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/12 **DATE OF COMPLETION:** 08/14/12 **PAGE** #1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers' behavior was inappropriate.

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

FINDINGS OF FACT: The complainant said the officers laughed at and mocked her, treated her like a child, and told her that they could say whatever they wanted. The officers denied the allegation and stated they exhibited restraint in light of the complainant's very offensive language and obstructive, delaying behavior. OCC attempts to interview multiple witnesses were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said she asked the officers for their names, star numbers, and the name of their captain, and the officers responded they did not have to tell her. The officers denied the allegation and stated they provided the complainant all the information requested. OCC attempts to interview multiple witnesses were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/12 **DATE OF COMPLETION:** 08/20/12 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/12 **DATE OF COMPLETION:** 08/23/12 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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 20, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/12 **DATE OF COMPLETION:** 08/31/12 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she heard gunshots and reported the incident to police. She stated that the officer who responded barely looked into the matter and quickly left the scene. She stated the officer should have investigated the matter further. The departments "Shot spotter" system was reviewed for the date, time and the location from where the complainant said the incident took place and result was negative. The CAD documents that the officer responded in a timely manner to the complainant's call and also determined that there was no merit to the complainant's report. The information provided proved that the acts which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/12 **DATE OF COMPLETION:** 08/31/12 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that she called police because she was being followed by a security guard and that she was afraid. The dispatcher told her to go outside of the shopping mall and wait for police to arrive. The complainant stated she saw a patrol car drive by but did not stop and stated she left the scene after 40 minutes after her call to 911. The CAD documents that the officers responded in a timely manner, there was no reported crime or emergency and the officers reported that they did not see the complainant. The information provided proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/12 **DATE OF COMPLETION:** 08/29/12 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The evidence proved that the action complained of involved a reserve police officer. The OCC has no jurisdiction over reserve police officers. This complaint raises matters outside OCC's jurisdiction and has been referred to:

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

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

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

FINDINGS OF FACT: The evidence proved that the action complained of involved a reserve police officer. The OCC has no jurisdiction over reserve police officers. This complaint raises matters outside OCC's jurisdiction and has been referred to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/12 **DATE OF COMPLETION:** 08/29/12 **PAGE** #2 of 2

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

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

FINDINGS OF FACT: The evidence proved that the action complained of involved a reserve police officer. The OCC has no jurisdiction over reserve police officers. This complaint raises matters outside OCC's jurisdiction and has been referred to:

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/12 **DATE OF COMPLETION:** 08/31/12 **PAGE #1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/12 **DATE OF COMPLETION:** 08/08/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: 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: 08/01/12 **DATE OF COMPLETION:** 08/08/12 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/09/12 **DATE OF COMPLETION:** 08/31/12 **PAGE# 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/12 **DATE OF COMPLETION:** 08/22/12 **PAGE#** 1 of 1

SUMMARY OF OCC ADDED ALLEGATION #1: The officer displayed inappropriate behavior.

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

FINDINGS OF FACT: The officer retired on April 30, 2012 and is therefore no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/12 **DATE OF COMPLETION:** 08/30/12 **PAGE #1 of 1**

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/12 **DATE OF COMPLETION:** 08/31/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/12 **DATE OF COMPLETION:** 08/31/12 **PAGE** #1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/12 **DATE OF COMPLETION:** 08/31/12 **PAGE** #1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/12 **DATE OF COMPLETION:** 08/31/12 **PAGE#** 1 of 1

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

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

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

Department of Emergency Management
1011 Turk Street
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: 08/18/11 **DATE OF COMPLETION:** 08/27/12 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer conducted a search beyond the scope of authority.

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

FINDINGS OF FACT: The complainant stated that during a traffic stop, the officer searched him and reached inside his pants. The complainant was unable to identify this officer from a photo spread of officers who were present. One of the officers who was present, who did not match the description provided by the complainant, stated that he searched the complainant but denied reaching inside the complainant's pants. The officer who most closely matched the description provided by the complainant denied searching the complainant. One civilian witness who was a passenger in the complainant's car gave conflicting statements about whether an officer reached inside the complainant's pants. Another civilian witness stated that he was not paying close attention to the search of the complainant. Other officers who were present either denied seeing any officer reach inside the complainant's pants or stated that they did not remember the search of the complainant. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant stated that officers effected a traffic stop on his car and that the interior of his car was damaged by an unidentified officer after it was driven to the police station for a search. Department records state that officers stopped the car the complainant was driving after other officers reported seeing the passenger make what appeared to be a narcotics sale. Officers established that the complainant was on parole and conducted a search of his vehicle at the scene, during which they found a small amount of suspected heroin. The complainant's car was driven to the station for further investigation. A canine officer stated that she responded to the station and had her narcotics-sniffing dog search the exterior and interior of the complainant's vehicle. She denied damaging the interior of the complainant's vehicle, stating that it was unkempt and in disarray when she arrived. One of the officers who participated in the traffic stop stated that he observed the complainant's car before and after the search by the narcotics-sniffing dog and that the interior was in the same condition after the search it had been in before the search. This officer stated that he did not observe the search conducted by the canine officer and did not search the vehicle himself. Other officers involved with the traffic stop denied searching the complainant's vehicle. One of these officers stated that after the complainant was released from detention, he complained to him about the condition of his vehicle. This officer told the complainant he was unaware of the condition of his vehicle and told him that he could file a claim for damages. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/11 **DATE OF COMPLETION:** 08/20/12 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The officers stated based on their training, experience and the statements of the victim, they had probable cause to arrest the complainant for a domestic violence offense. The complainant stated he had only a verbal argument with the victim. The incident report included a written statement signed by the victim. The victim wrote that the complainant used force against her. It was established that the complainant and victim had a dating relationship. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officers failed to secure his residence. The complainant stated he requested that the officers lock his residence and to give the house key to his neighbor. However, the complainant stated he did not want Office of Citizen Complaints to contact his neighbor. The officers denied the allegation. The officers stated, as instructed by the complainant, they secured his residence, locked the front gate, and gave the keys to his neighbor. The officers stated the victim was no longer in the residence when they locked the premises. The evidence proved that the officer's actions were proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/11 **DATE OF COMPLETION:** 08/20/12 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #5: The officer used force on the complainant during the arrest.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated the complainant was handcuffed according to Department regulations and placed into the patrol car without incident. The officer stated he recalled the complainant having to take a long time to enter the patrol car, due to his size. The officer said the complainant did not complain of pain or sustain an injury. The complainant admitted an existing condition to OCC regarding the condition of his knee and that he was not wearing his knee brace as medically required. The San Francisco Police Department medical screening records reported the complainant needed medical attention for existing medical conditions only. The San Francisco Police Department medical screening report, signed by the complainant, indicated the complainant responded that he was not seriously ill or injured. There are no witnesses. 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: 09/02/11 **DATE OF COMPLETION:** 08/16/12 **PAGE** #1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he and a neighbor were walking down a street when several plainclothes officers stopped and detained them. One of the officers said they had been stopped because the complainant's companion is on probation. The complainant, who is not on probation, was searched.

The named officer stated that he was in an unmarked car with three other plainclothes officers when one of the officers saw the complainant's companion, who he knew to be on probation, drinking from an open container. The officers stopped and contacted the complainant's companion, confirmed that he was on probation and conducted a probation search of him. The named officer stated that the complainant was not detained and was free to leave, but chose to remain at the scene. The named officer stated that he saw what appeared to be the clip of a knife in the complainant's pocket and pat-searched the complainant. The named officer removed a knife with a three-inch blade, which it is not illegal to carry, placed it atop his police car and continued searching the complainant. The named officer stated that he smelled marijuana, asked the complainant if he had any marijuana and the complainant said he did. The named officer then located and removed the marijuana from the complainant's pocket. The named officer acknowledged that at the time the contact was initiated, he had no reasonable suspicion that the complainant was involved in criminal activity or was armed.

One witness officer stated that the contact with the complainant was a consensual encounter and that he was not being detained. He stated that the named officer had the primary contact with the complainant but that he did not see the complainant being searched. A second witness officer stated that the officers stopped to contact the complainant's companion and conduct a probation search of him after seeing him with an open container of alcohol. This officer stated that the complainant was being detained and was not free to leave. He stated that the complainant was being detained because he was a known gang member walking in an area where several gang-related homicides had occurred in recent days and he wanted to determine whether the complainant was armed. This officer stated that he ran a wants and warrants check on the complainant but did not see him searched. The complainant's companion stated that the officers detained both him and the complainant for fifteen to twenty minutes. He stated that he saw the named officer search the complainant but was uncertain whether this happened before or after the complainant was handcuffed. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/11 **DATE OF COMPLETION:** 08/16/12 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #2: The officer conducted a search beyond the scope of authority.

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

FINDINGS OF FACT: The complainant stated that the officer searched him by reaching inside his pockets. The named officer stated that he saw what appeared to be a folding knife clipped to the inside of the complainant's pants pocket. He removed the knife, which he recognized as not being illegal, then pat-searched the complainant for additional weapons. He denied reaching inside the complainant's pockets. Witness officers and a civilian witness stated that they did not observe the search. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that while being detained by the named officer he attempted to make a note of the named officer's badge number. When the named officer saw the complainant doing this he told the complainant he was arresting him and handcuffed the complainant. The named officer released him several minutes later.

The complainant's companion stated that the complainant and the named officer were arguing when the officer appeared to become upset and handcuffed the complainant. The complainant's companion stated that just before handcuffing the complainant, the named officer said something like "You want to be a smartass. Alright, I'll teach you how to smartass" or "You want to act like that, I'll treat you like that."

The named officer stated that he handcuffed the complainant, who he knew to be a gang member, because the complainant began using profane and offensive language which made him feel threatened. Two witness officers stated that they did not recall the complainant being handcuffed. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/11 **DATE OF COMPLETION:** 08/16/12 **PAGE #3 of 3**

SUMMARY OF ALLEGATION #4: The officer threatened and made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The complainant stated that when the named officer saw the complainant noting down officers' badge numbers, he made inappropriate statements and handcuffed him. The complainant's companion stated that immediately before the named officer handcuffed the complainant, the named officer made a statement about how he was going to treat the complainant because of the complainant's behavior. Two witness officers stated that they did not recall the complainant being handcuffed and did not recall the verbal exchange between the complainant and the named officer. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The evidence established that the named officer failed to issue a Certificate of Release to the complainant after handcuffing him.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/11 **DATE OF COMPLETION:** 08/24/12 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: The officer interfered with the rights of an onlooker.

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

FINDINGS OF FACT: The named officer denied the allegation. One witness officer said she did not see what her partner did at the scene. A video submitted by the complainant indicated that the officer did approach the complainant, but did not stop the complainant or warn the complainant to stop videotaping the officers and their subjects. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer acted inappropriately.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that she approached the complainant to clarify what he was doing with a video camera and did not intend for a comment she made to intimidate the complainant. One witness officer said she did not recall a comment made to her by the named officer. A video submitted by the complainant showed the named officer walked within several feet of the complainant holding her cell phone, and asked the complainant how he was doing. No other witness came forward. The evidence shows that the officer acted in an inappropriate manner and that by her actions reflected discredit upon the department. The allegation is sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/27/11 **DATE OF COMPLETION:** 08/14/12 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1 & 2: The officers conducted a traffic stop without justification.

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

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

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged the officer used profanity. The named officer denied the allegation. Four witness officers denied hearing the named officer use profanity. There were significant discrepancies among the complainants and a witness as to the statements made by the officer. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATION #4: The officer spoke and behaved inappropriately.

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

FINDINGS OF FACT: The complainant said the officer said “Shut up,” and told her she lost all her rights. One witness said the officer told the complainant she had lost her rights, but the co-complainant did not corroborate the comments. The named and three witness officers denied the allegation or said they did not recall the utterances. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named and three witness officers denied the allegation or said they did not see the alleged use of force. There were discrepancies between the accounts of the co-complainants and one witness with regard to the officer’s use of force. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer detained the co-complainant without justification.

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

FINDINGS OF FACT: The named officer said she removed the co-complainant from a car because the car was going to be searched and began a weapons search of the co-complainant because she was being aggressive and resistant. When the co-complainant violently resisted the search, the officer detained and arrested the co-complainant for resisting and battery. The complainant said she saw part of the search and saw the co-complainant “moving and flinching.” A witness said the officer’s actions led the co-complainant to resist. One witness officer said he saw the co-complainant become resistant during a cursory search. One witness officer said he did not know why the co-complainant was initially detained. Two witness officers said they did not recall seeing the initial detention of the co-complainant. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer used unnecessary force during an arrest.

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

FINDINGS OF FACT: The co-complainant alleged that an officer who was searching her pulled her hair unnecessarily, kicked her and sprained her finger but did not respond to efforts to obtain her medical record. The named officer denied the allegation, stating that she used Academy-trained methods of control while the co-complainant was violently resisting her efforts to conduct a search. The named and three witness officers who were present during the arrest of the co-complainant denied the allegation, stating the co-complainant was resistant. The complainant said she could not see the officer’s contact with the co-complainant. One witness said he saw the named officer push the co-complainant’s arm up, causing pain. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer acted and spoke inappropriately during a search of the co-complainant.

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

FINDINGS OF FACT: The co-complainant said the named officer pinched her breasts and vagina during a search and intentionally lifted the co-complainant's shirt, exposing her breasts while making inappropriate comments. The named officer denied any intentional pinching or exposure but said that due to the writhing and resistance of the co-complainant, her use of the Academy-taught "groping" method may have resulted in pinching of the co-complainant's skin. The named officer said that she had to recover one of the complainant's breasts, which did become exposed briefly due to the co-complainant's resistance and writhing. One witness said he heard the co-complainant tell the officer to stop pinching her, but could not see the actions of the officer because he was behind her. Another witness said she was in a patrol car and could not see the actions of the officer. Four witness officers denied the named officer pinched the co-complainant or exposed her breasts or made the alleged comments. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer(s) seized personal property without justification.

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

FINDINGS OF FACT: The complainant heard about the seizure of personal property from an Occupy S.F. encampment outside the Federal Reserve Bank and stated that S.F.P.D. had stolen personal property from occupiers. The preponderance of the evidence established the S.F.P.D. gave occupiers advance written and verbal notices that their encampment was in violation of several local ordinances and state laws. The evidence further established that the occupiers were informed that Department of Public Works employees would store their property if they did not have the means to take it with them, and gave them additional hours to comply. However, S.F. Occupiers refused to comply. The S.F.P.D. deployed several squads to provide a safety net to Public Works employees who collected and stored the illegal debris and structures from the public sidewalk. Department personnel denied the allegation. The evidence proved that the acts alleged did not occur, or that Department members were not involved in the act alleged.

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

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

FINDINGS OF FACT: Nine complainants stated they either read or heard from third parties that members of the S.F.P.D. were violent, insensible, acted like thugs, mistreated and injured peaceful demonstrators with their batons. Officers and superiors interviewed denied the allegation. A number of officers were ordered to move demonstrators attempting to block Main Street in order to ensure a safe path for DPW trucks to leave with the collected debris. Video footage posted in You Tube corroborates the obstructions from demonstrators. The OCC attempts to interview several citizens at the event about the alleged malfeasance were unsuccessful. There were no other witnesses so there is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer's threatening behavior and comments were inappropriate.

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

FINDINGS OF FACT: According to a demonstrator, the complainant stated that the officer approached a group of demonstrators and told them, "I can't wait to get the chance to smash one of your faces in." The OCC attempts to interview the victim were unsuccessful. The officer and other dependent witnesses on scene denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to properly supervise.

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

FINDINGS OF FACT: Complainants who heard on the radio or read website reports stated that the S.F.P.D. inappropriately supervised the confiscation of property from occupiers by DPW employees. The evidence established that the S.F.P.D. gave sufficient advance written and verbal notices to occupiers to collect their belongings or it would be subject to collection and storage by DPW employees. Occupiers were given additional time to comply, but they still refused to do so. Department members stated the S.F.P.D. neither monitored nor supervised DPW employees collecting debris from the sidewalk, but merely ensured their safety during the collection. The evidence proved that the named members were not involved in the act alleged.

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

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

FINDINGS OF FACT: The complainant stated that after the police formed a line between occupiers and their belongings, requests to retrieve personal belongings were denied. The evidence established that San Francisco Police Department gave occupiers advance written and verbal notices that their encampment outside the Federal Reserve Bank was in violation of several local ordinances and state laws, requested them to remove the structures and belongings, and gave them several additional hours to comply. Occupiers refused to comply and Department of Public Works employees moved in to collect and store their property. The named officer, who was the event commander, as well as other officers on scene denied hearing such requests although some officers stated there were unsuccessful attempts to cross the police line. The named officer issued an order for officers to hold the line and not allow anyone to cross it once they were in formation. The preponderance of the evidence proved that the requests to retrieve belongings, which provided the basis for the allegation more likely than not occurred; however, it came after reasonable notice and time to comply was afforded. The order to hold the line after formation was justified to ensure the safety of City employees collecting the debris. The order and the actions of officers following said order were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #2-5: The officers used excessive force during a demonstration.

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

FINDINGS OF FACT: The complainant stated that several demonstrators gave her the star numbers of officers who had aggressively pushed demonstrators off the street with their batons. The complainant also stated that unidentified officers also injured several unidentified demonstrators during this incident. The officers denied the allegation and stated that some of them were ordered to move demonstrators attempting to block the street in order to ensure a safe path for the Department of Public Works trucks to leave with the collected debris. Video footage posted in You Tube corroborates the obstructions by demonstrators. The Office of Citizen Complaints attempts to interview several citizens at the event about the alleged malfeasance were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: According to a demonstrator, the complainant stated that the officer approached a group of demonstrators and told them, "I can't wait to get the chance to smash one of your faces in." Office of Citizen Complaints attempts to interview the victim were unsuccessful. The officer and other interested witnesses on scene denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer failed to properly supervise.

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

FINDINGS OF FACT: Complainants who heard on the radio or read website reports stated that the San Francisco Police Department inappropriately supervised the confiscation of property from occupiers by Department of Public Works employees. The evidence established that the San Francisco Police Department gave sufficient advance written and verbal notices to occupiers to collect their belongings or it would be subject to collection and storage by Department of Public Works employees. Additional hours were given to occupiers who refused to comply. Department members stated the San Francisco Police Department neither monitored nor supervised Department of Public Works employees collecting debris from the sidewalk, but merely ensured their safety during the collection of debris. The evidence proved that the named members were not involved in the act alleged.

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

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

FINDINGS OF FACT: The complainant stated that the officer detained him without justification. The named officer stated that he and his partner were responding to a report of an armed robbery when he saw two men whose race, sex and clothing matched that of the suspects boarding a bus in the area the suspects had been seen heading towards. The named officer detained both men and released them when it became clear that the two men weren't the suspects being sought. The named officer's partner confirmed his account. Department records confirmed the named officer's statement about the initial suspect descriptions and their direction of travel. The evidence established that the named officer detained the complainant and another man one block from the scene of an armed robbery less than five minutes after the robbery was reported to police. It also established that the two detained men matched the suspect description that had been broadcast. The evidence also established that once a more detailed suspect description was obtained, the complainant was released. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the named officer handcuffed him because of his attitude, threatened to arrest him for resisting and made inappropriate comments to him. The complainant admitted that when the named officer ordered him off a bus, he objected, tensed his body, started to move backward and questioned why an officer outside the bus was holding a shotgun. The named officer stated that he detained the complainant and another man who had just boarded a bus because they matched the descriptions of suspects in an armed robbery that had just occurred a short distance away. The complainant refused to get off the bus so he escorted him off the bus. The complainant was then handcuffed, although the named officer didn't recall who handcuffed him. The named officer stated that he may have told the complainant that he could be arrested for resisting because of the complainant's

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actions aboard the bus. The named officer denied making the inappropriate comments attributed to him the complainant. The other man who was detained, who the complainant saw and spoke to after the incident, confirmed hearing the substance of some of the inappropriate remarks described by the complainant, but could not recall who said them. This witness stated that his recollection needed to be refreshed by hearing the alleged inappropriate remarks. Witness officers confirmed that the complainant was verbally resistant after he was taken off the bus and stated that they did not recall hearing the inappropriate comments described by the complainant. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments which he found offensive and threatening. The named officer admitted making the comments described by the complainant, but denied doing so in order to threaten or offend the complainant. He stated that he did so in an unsuccessful attempt to defuse a tense situation and to deflect the complainant's attention from the officers who had detained him. He added that he said these things in the context of trying to explain the police procedures involved with the complainant's detention and hoped that by making these comments in a quasi-joking manner he might establish a rapport with the complainant. The evidence established that the named officer made the comments described by the complainant, although there is insufficient evidence to establish whether they were made in the threatening and offensive manner in which the complainant perceived them or whether they were made with an offensive intention. Therefore, there is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officer stepped in front of and intentionally bumped into him then made an inappropriate comment. The officer who detained the complainant stated that he didn't recall any officer stepping in front of or almost colliding with the complainant or making the comment described by the complainant. Other officers who were present denied the allegation. There is insufficient evidence to identify the involved officer or 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 made inappropriate comments and/or behaved inappropriately.

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

FINDINGS OF FACT: The complainant and his family member stated that the officer behaved inappropriately and made inappropriate comments during a traffic stop. The named officer denied the allegation, stating that the complainant and his female companions were becoming hostile towards him. An officer and three witness officers, who were on scene, also denied the allegation. No other independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1 - 5: The officers engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that several officers came to the door of her apartment and “badgered” her in an attempt to get her to leave the apartment. She stated that they harassed her for no good reason. Evidence shows that the complainant’s father called police to perform a welfare check on the apartment. The officers stated that they were talking to the complainant in an attempt to evaluate her mental state and did so in a professional and courteous manner. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATIONS #6 - 10: The officers failed to provide their names and star numbers.

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

FINDINGS OF FACT: The complainant stated that several people claiming to be officers arrived at her apartment door and attempted to get her to leave the apartment. She asked them several times for their names and star numbers but none of the officers responded. Each officer stated that they provided their names and star numbers and that they witnessed the other officers on scene give their names and star numbers. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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SUMMARY OF ALLEGATIONS #11 & 12: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated she was knocking on her neighbors' doors one morning in an effort to use a phone. At one point, two police officers arrived and the complainant went out on to her fire escape and climbed down. The officers told her not to climb down and to instead go to her apartment door. Once she was at the apartment door, the officers were there as well and took her into custody. The officers stated that they observed the complainant acting in an irrational and disoriented manner and believed that she was unable to care for herself. A neighbor also stated that the complainant was acting in a mentally unstable manner. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, proper and lawful.

SUMMARY OF ALLEGATIONS #13 & 14: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that she was detained by two officers and during the detention several valuable items, such as cash and jewelry, went missing. She realized immediately after being discharged from the hospital that the cash was missing and several months later that the jewelry was missing. The officers stated that the complainant's luggage tote was placed in the transport vehicle. None of the complainant's personal items were inventoried by the officers and the luggage was given to hospital personnel. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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SUMMARY OF ALLEGATIONS #15 & 16: The officers engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that she was detained by two police officers who put her in handcuffs. The handcuffs were too tight and hurt her wrists. The officers “manhandled” her down the stairs and then “hurled” her into the back seat of the police vehicle. The officers stated that they had no knowledge of any injuries to the complainant’s wrists. She never complained of any pain in their presence and the officers were very careful when placing the handcuffs on the complainant and when placing her in the transport vehicle. There were no independent witnesses. 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 arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant said he was obeying all traffic laws and he had not been drinking any alcoholic beverages, yet the officer pulled him over for no apparent reason and arrested him for DUI. The complainant said the officer gave him a series of Field Sobriety Tests (FST). He passed all of them, but said the officer was determined to get him on something so the officer arrested him anyway. The complainant admitted taking prescription medications that did not preclude him from driving but said he should exercise caution while driving. The officer stated he was stopped at a traffic signal when he first saw the complainant with his car window down, despite the outside temperature being cold. The light had changed to green but the complainant's vehicle did not move for approximately twenty to thirty seconds. The officer followed the complainant for approximately two city blocks and saw the complainant commit three traffic infractions. He pulled the complainant over and saw that the complainant's eyes were bloodshot. He questioned the complainant and the complainant responded with answers the office deemed not believable. The officer requested the assistance of another officer and gave the complainant a series of FST's. The complainant passed the breathalyzer test but failed other tests. Consequently, the officer arrested the complainant. The results of laboratory analyses done on the complainant's blood returned positive for marijuana, codeine, oxycodone, etc. 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 ALLEGATIONS #1-2: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The preponderance of the evidence based on a video recording of the events leading up to the complainant's arrest, as well as statements from multiple officers involved in the arrest established that the arrest was lawful, justified, and proper.

SUMMARY OF ALLEGATIONS #3-7: The officers used excessive force during the arrest.

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

FINDINGS OF FACT: The complainant stated the officers used excessive force. The officers stated the force used to subdue the complainant was necessary. There is insufficient evidence to determine the level of force necessary to overcome the complainant's resistance.

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SUMMARY OF ALLEGATIONS #1 & 2: The officers detained two individuals without justification.

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

FINDINGS OF FACT: The complainants alleged that two men were detained without justification. The complainants admitted that they did not see the actions of the detained men that resulted in their detention. The officers said the individuals were detained for repeatedly disobeying lawful police orders and lynching. The two detained individuals did not respond to the OCCs request for an interview. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3 & 4: The officers failed to provide immediate medical attention.

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

FINDINGS OF FACT: The complainants said they believed one of the detained men was injured and in need of immediate medical attention and the officers failed to provide immediate medical attention. The complainants did not know whether or not the man was injured but said it took 45 minutes for the ambulance to arrive. The named officers and several witness officers said they questioned the detained man who did not indicate that he was injured and he had no visible injuries. Officers said an ambulance was called to the scene as a precautionary measure. Documented evidence shows the ambulance response time to have been within 15 minutes. The detained individual did not respond to the OCCs requests for an interview. The evidence proved that the act alleged in the complaint did not occur.

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SUMMARY OF ALLEGATIONS #5 & 6: The officers used excessive force.

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

FINDINGS OF FACT: The complainants said that the detaining officers used unnecessary force. The officers said the two detained individuals resisted arrest and engaged in lynching conduct and were therefore detained. The officers denied using any unreasonable force to detain the two individuals. Witness officers said the two detained individuals resisted the officers' efforts to detain them. The two detained individuals did not respond to the OCCs requests for an interview. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7 & 8: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainants believed the officers demonstrated racial bias based on their apparent indifference to the wellbeing of one of the detainees based on that detainees race. The officers denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant believed that the instruction the officer gave his squad was not in SFPD policy. The officer believed his instruction to his squad was within policy. The officer who ordered the instruction be given did not use the same language as the named member. Another officer who received the instruction believed that the effect of the named member's instruction to his squad would be the same whether he used the original language or the language he chose. The original language was more specific as to the behavior it was intended to affect whereas the language the named officer used to instruct his squad was more general which could result in an outcome not intended by the original instruction. Therefore, the instruction given by the named officer to his squad members could be confusing. Under the circumstances a definitive finding cannot be reached. 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 inappropriate comments.

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

FINDINGS OF FACT: The complainant and the officer work out of the same gym on Mason Street. The complainant described the officer's behavior towards him in numerous occasions as sexual in nature and inappropriate. The officer denied the allegation. A witness from the gym did not witness the incident described by the complainant. No other 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 officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately and made an inappropriate comment toward the complainant.

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

FINDINGS OF FACT: The complainant stated the officer behaved inappropriately and made an inappropriate comment to her about him feeling sorry for her boyfriend. The officer denied he behaved inappropriately, but admitted telling the complainant that he felt sorry for her boyfriend during a traffic stop. The officer recalled the complainant repeatedly complained and blamed her boyfriend for the traffic stop. The officer stated his comment to the complainant was not intended to insult her. The complainant was alone and her boyfriend was not at the scene. Department General Order 2.01 requires members to treat the public with courtesy and respect and not use harsh, profane or uncivil language. The officer's comment about feeling sorry for the complainant's boyfriend was unnecessary and reflected discredit upon the Department. 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 #1: The officer failed to take required action.

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

FINDINGS OF FACT: The officer initiated a traffic stop and cited the complainant for making an illegal left turn. The complainant admitted to the violation. Department Bulletin 11-097, TRAFFIC STOP DATA COLLECTION PROGRAM INFORMATION, requires members to continue to collect traffic stop data after all vehicle stops. The officer could not account for why there is no evidence of the E585 data having been entered for this traffic stop. A preponderance of the evidence proved that the conduct complained of did occur and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The co-complainant stated that she called police to assist her in getting the father of her baby to leave her apartment. She did not want the father to take her baby and she kept the car seat to prevent him from doing so. She stated that officers arrived and allowed the father to take the baby in a vehicle without a car seat, in violation of California law. The officers stated that they arrived at the apartment and the complainant wanted the father to take the baby away but would not provide the car seat. The officers escorted the father and baby out of the apartment without the car seat with an assurance that the father would walk the baby to his nearby mother's home. The father stated that he walked away with the baby and did not get into a vehicle. The co-complainant's 911 call confirmed that the co-complainant wanted the father to take the baby away. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper,

SUMMARY OF ALLEGATION #3: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The primary complainant stated that she flagged down officers to assist her friend in finding her baby. One officer responded that the baby was not in danger and that the mother just wanted to smoke crack. The complainant stated that the comment was racist and made her feel that the officer thought all African Americans in housing developments are drug addicts. The officer was questioned relative to the OCC's biased policing protocol and stated that he made the comment in order to explain what the baby's father told the officer. He stated that it was in no way motivated by his perception of African Americans. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The primary complainant stated that she flagged down officers to assist her friend in finding her baby. One officer responded that the baby was not in danger and that the mother just wanted to smoke crack. The complainant stated that her friend does not smoke crack and it was inappropriate for him to say so. The officer stated that he made the comment in order to explain what the baby's father told the officer. He stated that he was only trying to explain the situation to the complainant. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer ordered her to pull over due to a broken head light but that the head light turned out not to be broken. The officer denied the allegation and stated that the entire front left light casing was missing from the vehicle. A witness officer 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 #2: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that the officer ordered her to pull over due to a broken head light but that the head light turned out not to be broken. The officer denied the allegation and stated that the entire front left light casing was missing from the vehicle. A witness officer could not recall the incident in question. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer lost her car key. She further stated that an officer admitted that the officer had lost her key. The officer denied the allegation and stated that he gave the car key to the tow truck driver. The officer stated that he has no specific recollection of this incident, but that if any officer reported to him that he had lost someone's key, he would have instructed the officer to include that detail in his report. He does not specifically recall speaking with the complainant, but stated that she called him to complain about her lost key, he would have instructed her to file a complaint with the OCC and to file a claim with the city. The tow truck driver stated that he never had possession of the key, that the door latch to the car was broken, towing the car did not require that he have possession or use of the key, and that he did not need the key to drop off the car after he towed it to Pier 70. The witness officer stated that he did not recall who had possession of the key but that in practice, officers always give the key to the tow truck driver. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The OCC added an allegation that the officer failed to enter traffic stop data as required by Department Bulletin 11-097. The officer did not recall whether he complied with the bulletin. The Department was unable to locate any records to show that the officer made any traffic stop data entries on the date of the incident. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF OCC-ADDED ALLEGATION #2: The officer failed to comply with DGO 9.06.

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

FINDINGS OF FACT: The OCC added an allegation that the officer failed to properly comply with the regulations governing vehicle tows. The officer stated that he was the one to distribute the various copies of the Tow Inventory Form. He stated that he left the relevant copies in the officer's mailbox where he was supposed to leave them. The MTA could not track down the original, but it is unclear whose error caused the original form to go missing. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC-ADDED ALLEGATION #3: The officer failed to properly complete the Inventory of Towed Vehicle Form.

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

FINDINGS OF FACT: The OCC added an allegation that the officer failed to properly complete the Tow Inventory Form because it appears that both the "yes" and "no" boxes responsive to the question "Keys left in vehicle?" were checked. The officer stated that he did not recall much at all about this incident but that the handwriting on the Inventory of Towed Vehicle Form appears to be his. He acknowledges that it appears as though both the "yes" and "no" boxes are checked in response to the question: "Keys left in vehicle?", though the "no" check appears quite a bit fainter. The officer stated that if he were to change his mind or make a mistake on a form that his customary practice is to mark out the incorrect check and initial the change, including his star number. No other witnesses came forward. Having been unable to obtain the original copy of the Tow Inventory Form (an error of unknown origin), it is unclear whether or not the officer marked both the "yes" and "no" boxes in response to whether or not the keys were left in the vehicle. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers conducted a biased policing by failing to enforce the sit and lie ordinance, because the reportee is an African American woman and the suspect is a Caucasian homeless male. The officers were questioned relative to the OCC's biased policing protocol and denied the allegation, but the officers could not recall any aspect of this request to enforce the sit and lie ordinance. OCC attempts to interview potential witnesses to this incident were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated the officer driving the patrol car during this response told the subject reported that they were sick and tired of her calling the police. The officers denied the allegation and could not recall who was driving that morning. OCC attempts to interview potential witnesses to this incident were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant failed to respond to Office of Citizen Complaints request for an interview. In his written complaint, the complainant wrote that he was harassed by the named officer. The officer denied the allegation. No witnesses were identified by either the complainant or the officer. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant failed to respond to Office of Citizen Complaints request for an interview. In his written complaint, the complainant wrote that the named officer asked him to leave the Powell Street BART station. The officer denied the allegation. No witnesses were identified by either the complainant or the officer. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he sublet an apartment for thirty days while the master tenant went on a trip. Sometime before his lease was up, the master tenant returned early from his trip and asked the complainant to vacate the apartment. The complainant refused and called the police. The complainant stated the named member told him he needed to leave. The complainant stated he was not allowed to return to the apartment. The complainant stated that neither the master tenant nor the officer had the authority to make him leave.

The master tenant stated he sublet the apartment to the complainant for two weeks while on vacation and when he returned, the complainant had changed the locks, trashed his apartment and stole family heirlooms. The master tenant produced a valid lease showing him as the sole lessee.

The officer stated she spoke with the master tenant's landlord and was informed that the complainant was trespassing. The officer stated she told the complainant to leave the apartment after being directed to do so by her supervisor. The officer further stated that, based on her Academy training and experience, it was her belief that residents must live in a residence for at least thirty days in order to gain tenancy. According to this officer's training records, she has not received any training in landlord-tenant law since she graduated from the Academy in 1998.

In a written statement, the supervising officer stated that the lower-ranking officer had the authority to tell the complainant to leave the apartment. The supervising officer has since retired from the Department.

Neither the officer nor the supervising officer took into consideration that a tenancy had been created when the master tenant and the complainant entered into a written agreement for sublease of the apartment and that the complainant was not a trespasser but instead was a tenant who could only be removed through an unlawful detainer action.

The evidence proved that the officer acted under the supervision of a superior officer. The evidence also proved that the act by the named officer was justified by Department policy, procedure, or regulation. However, the OCC recommends a change in the particular policy, procedure, or regulation to clarify that a tenancy can be created through a sublease.

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SUMMARY OF ALLEGATION #2: The officer issued an invalid order.

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

FINDINGS OF FACT: The named officer is no longer available and subject to Department discipline.