

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/13 **DATE OF COMPLETION:** 04/22/13 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer seized property without cause.

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

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

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to provide identification upon request.

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

FINDINGS OF FACT: The officers denied the allegation. A police service aide who witnessed the incident stated both officers provided their names and badge numbers to the complainant. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers behaved inappropriately.

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

FINDINGS OF FACT: The officers denied the allegation. A police service aide who witnessed the incident stated both officers were polite and professional towards the complainant. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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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 April 3, 2013.

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 he was not provided with records relating to an inspector's visit to his home. The complainant stated that these records are public documents. The inspector stated he told the complainant how to get a copy of the police report and advised the complainant to contact the Department's Legal Division for any additional information. The San Francisco Police Department's Legal Division stated they responded to the complainant's request for records and provided him with the police report and witness statements in this matter. Section 6254(f) of the California Government Code states that local police agencies are not required to disclose records of investigations. It specifically states that witness statements (excluding confidential informants) shall be provided. The inspector had no duty to provide the complainant with any records. The Department's Legal Division provided the complainant with witness statements as required by the Government Code. The evidence proved that the act, which provided for the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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DATE OF COMPLAINT: 02/08/13 **DATE OF COMPLETION:** 04/17/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer refused to take a report of stolen property. The dispute he sought to document regarded a civil dispute with a homeless shelter. An officer identification poll was returned with negative results. Department records were researched and no officer was located who matched the complainant's description of the involved officer. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments to him during a civil dispute he had at a homeless shelter. An officer identification poll was returned with negative results. Department records were researched and no officer was located who matched the complainant's description of the involved officer. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 02/08/13 **DATE OF COMPLETION:** 04/17/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated an African American female officer engaged in racially biased policing toward him during a civil dispute he had at a homeless shelter. An officer identification poll returned with negative results. The OCC reviewed the records of the on duty African American female officers and matched them with their relevant calls for service. None of these officers were at the locations alleged by the complainant. No witnesses came forward. 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: 02/11/13 **DATE OF COMPLETION:** 04/12/13 **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 April 2, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/08/13 **DATE OF COMPLETION:** 04/11/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated officers driving a particular vehicle with a specific plate in a particular district used inappropriate language and acted in an inappropriate manner. The officers' commanding officer was polled and was unable to identify the officers driving the vehicle for that particular date and shift. No witnesses came forward. 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: 01/25/13 **DATE OF COMPLETION:** 04/09/13 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/21/13 **DATE OF COMPLETION:** 04/24/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainant was a third party who witnessed two officers contacting a male subject standing on a skateboard on the sidewalk. The complainant stated he heard the subject being ordered to get off his skateboard, but the subject refused, telling the officers that he had not been using his skateboard. The complainant stated the subject was subsequently arrested. The OCC's investigation established that the subject was initially detained for skateboarding on the sidewalk. Records check shows that the subject had a warrant, prompting the named officer to book the subject on the warrant. The subject booked on the warrant has not come forward. No other civilian witnesses were identified. The evidence proved that the acts, which provide the basis for the allegations, occurred. However, the acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer made an inappropriate remark.

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

FINDINGS OF FACT: The complainant stated the officer called the subject a "smart mouth." When asked if he called the subject a "smart mouth," the named officer wrote, "I told [the subject] to stop being a smart mouth." The named officer denied that his remark was inappropriate. He stated he was not rude towards the subject and conducted himself in a professional manner during the entire contact. The OCC's investigation established that the officer's remark did not rise to a level of misconduct. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 03/10/13 **DATE OF COMPLETION:** 04/17/13 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant did not provide valid contact information and did not provide sufficient information to open an investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/02/13 **DATE OF COMPLETION:** 04/12/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant did not provide valid contact information and did not provide sufficient information to open an investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/02/13 **DATE OF COMPLETION:** 04/17/13 **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:

City and County of San Francisco
Family and Children Services
170 Otis Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/26/13 **DATE OF COMPLETION:** 04/30/13 **PAGE** #1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/09/12 **DATE OF COMPLETION:** 04/03/13 **PAGE # 1 of 2**

SUMMARY OF ALLEGATION #1: The officer failed to follow the rules of the road.

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

FINDINGS OF FACT: The complainant stated the officer did not check for oncoming traffic prior to opening his patrol car door. The officer denied the allegation of failing to follow the rules of the road. The officer stated while a passenger in a patrol car at a complete stop, he looked over his left shoulder, saw nobody in the roadway and opened his door to pursue a wanted parolee in the immediate area. The officer stated as soon as he opened his patrol car door, a bike rider ran into the door. The officer said he opened the patrol car door when it was reasonably safe to do so. The witness officer corroborated the named officer opened the patrol car door when it was reasonably safe to do so. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation of failing to properly investigate the traffic accident. The officer stated he interviewed the involved parties, measured the lanes and point of impact with his department rolotape, noted a protrusion (Muni flaps at raised platform) in the lane of traffic and determined the cause of the traffic collision based on his investigation. The officer's managing witness reached a different conclusion in regards to the primary collision factor of the traffic collision. However, the managing witness stated that accident reports are subjective and is of the opinion of the onscene investigating officer. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/09/12 **DATE OF COMPLETION:** 04/03/13 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The officer denied the allegation of writing an inaccurate report and denied that he was trying to protect the officers involved in the accident. The officer said he has handled thousands of accident reports in his career including officer-involved accidents. The named officer stated his investigations are objective and fair and he will stand by all of his reports. The officer was certain that the Muni Flaps were sticking out into the lane prior to the traffic collision, which reduced the lane of travel. The officer concluded that the complainant was at fault for attempting to pass the patrol car without sufficient clearance. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the report was not completed in a timely manner. The complainant stated the officer was uncooperative, would not change the report and told the complainant he could follow up with the city attorney's office. The officer denied the allegation of inappropriate behavior and comments. The officer stated he submitted the traffic collision report in a timely manner to his supervisor, as required. The records management unit stated the report was scanned fifteen days after the date of the report. The officer stated the complainant threatened to file a complaint against him if he did not amend the traffic collision. The officer stated he told the complainant that he had already submitted the report and that he would have to file a claim with the City Attorneys Office. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer made inappropriate remarks and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant is a film location scout. She stated she paid for a company's parking permit through the SF Film Commission. The complainant hired a subcontractor to post special permit signs for the job. The complainant stated she received a voicemail from the officer on a Friday, informing her the permit signs were improperly posted or inaccurate. The officer asked for a return call. The complainant stated the officer was unavailable by phone. The complainant called the Film Commission office. A representative reassured her all was in order. The complainant later had several contacts with the officer when he removed her parking permit signs, which allegedly conflicted with another party. The complainant stated the officer wrongfully ordered the tow of her company's vehicles. The complainant stated the officer made inappropriate comments. The complainant complained to the officer's superior, and he dispatched another officer to resolve the matter. The officer denied the allegation. The witnesses did not hear all of the interaction between the complainant and the officer. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 06/06/12 **DATE OF COMPLETION:** 04/12/13 **PAGE #** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the reporting officer failed to take down information on eleven suspects, and instead only included three suspects in the incident report. The officer denied the allegation, stating that the complainant only identified three individuals as suspects who were present during the crime. The complainant's written account of the incident identifies eleven people in the group, but only designates three suspects as being involved in the alleged crime. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to provide required information.

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

FINDINGS OF FACT: The complainant stated that after taking her report, the officer called her to let her know that he had additional paperwork for her, which she agreed to pick up the following day. The complainant acknowledged that she did ultimately receive the form. The officer confirmed that after the complainant had left, he realized he had not given the complainant a required form. He called the complainant immediately to let her know, and she agreed to pick it up the following day. The department general order requires officers to provide the form to victims of violent crime, but does not include any mandatory time frame in which the form shall be given to the victim. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/06/12 **DATE OF COMPLETION:** 04/12/13 **PAGE #** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer took her report of a sexual assault on the steps in front of the Hall of Justice. She further stated that the officer told her multiple times that he needed to be somewhere, and appeared to be rushing her. The named officer denied that he rushed the complainant, stating that although he had to leave her several times to attend to his duties as the Station Keeper, he ultimately spent several hours taking her statement. He said that due to his station keeper duties, he explained to the complainant in advance, that he may be interrupted but that he would always come back immediately to continue taking her report. The officer stated that he took her report in front of the building in an effort to provide her with privacy since the lobby was busy and the complainant would have normally been required to provide her statement through a glass window over a telephone. He denied having any other available option in which to take her report, and further stated that he frequently speaks to people in the same location because it is more private than inside of the station lobby. A sexual assault subject matter expert stated that it was likely not appropriate to take the report in front of the Hall of Justice, but denied knowledge of any written policy, rule, manual, unit order or other department orders that explicitly outline where to conduct the interview. The evidence proved that the act by the member was justified; however, the OCC recommends a written policy, procedure or regulation to cover issues raised by the complainant or a change in the particular policy, procedure, or regulation.

SUMMARY OF ALLEGATION #4: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer fell asleep during a recorded interview with the complainant. The officer has retired from the San Francisco Police Department and is no longer available and subject to Department discipline

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SUMMARY OF ALLEGATION #5: The officer made inappropriate comments and/or behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer was verbally abusive and treated her like a criminal rather than a victim. The officer denied the allegation, stating that the complainant was not a suspect in a crime and was treated with respect. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer did not return her phone calls and refused to meet with her in person. The officer denied the allegation. The officer stated that she talked to the complainant when she was available to respond to her and she returned her telephone messages as soon as she was able to. She stated that she did not meet with the complainant because they corresponded through email and the complainant had already given a 2-hour recorded interview with the previously assigned inspector. She stated that all follow-up communication was done through email and that the complainant was kept informed of the status of the investigation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation. It should be noted that the OCC reviewed the named officer's investigation of the complainant's sexual assault case. The OCC's investigation established that the named officer conducted a thorough investigation, gathering all available evidence and interviewing available suspects and witnesses. The complainant's case was presented to the District Attorney's Office who declined to file charges.

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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 while stopped at a stop sign, he noticed a police car to his right. The complainant stated he waited for the police car to go first but it did not move so he figured the officers wanted him to go first. The complainant stated he proceeded to turn left and as soon as he made his turn, the officers turned on their lights and siren so he immediately pulled to the right. The complainant stated the male officer contacted him and accused him of being on his cell phone. The complainant denied the accusation. The officer could not recall the complainant nor did he recall the incident. The officer's partner stated they did not detain the complainant. The officer's partner stated the complainant pulled over to the side on his own as if he was going to park. The officer's partner stated they pulled up right beside the complainant's car. The officer's partner stated the named officer rolled his window down and advised the complainant to stay off of his cell phone while driving. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately and/or made inappropriate comments. The complainant stated the officer accused him of having been on his phone. The complainant further alleged that the officer was aggressive during the contact. The officer could not recall the complainant nor did he recall the incident. The officer's partner stated she could not recall the named officer making inappropriate comments or threats toward the complainant. No witnesses come forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer was biased to the complainant due to the complainant's race.

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

FINDINGS OF FACT: The complainant alleged that the named officer stopped him because of his race. The complainant stated "he felt some element of racism" on the part of the officer during the contact. The named officer could not recall the complainant nor did he recall the incident. The named officer's partner stated the complainant was contacted because the complainant was on his cell phone while driving his vehicle. The named officer's partner stated the contact was made for a traffic violation advisement and had nothing to do with the complainant's race. The officers were interviewed pursuant to the OCC biased policing protocol. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she was staying with her fiancé at a single-room-occupancy (SRO) hotel when she got into a fight with the assistant manager of the SRO hotel, prompting one of the tenants to call the police. The complainant stated she and the assistant manager were yelling at each other outside the SRO hotel when one of the named officers picked her up and slammed her onto the concrete sidewalk. The complainant stated her forehead hit the concrete, causing a laceration to her forehead. The complainant stated she was then placed in handcuffs and then lifted off the ground. She was then transported to SFGH where she was treated, receiving nine stitches to her forehead. The named officers, a witness officer, and a civilian witness denied the complainant's allegation of unnecessary force, stating that the complainant resisted prompting the named officers to use force. Department records show that the named officers responded to the SRO Hotel regarding a report of a trespasser, later identified as the complainant. One of the named officers stated that she was directing the complainant towards the exit when the complainant turned around and pushed her, prompting the named officers to bring the complainant to the ground. A video recording of the incident captured the complainant's aggressive behavior towards one of the named officers. The named officers' use of force was articulated in the incident report and was reported to their supervising sergeant. The sergeant logged the named officers' use of force into the station Use of Force Log. The evidence proved that the officers' use of force was necessary to neutralize the threat presented by 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 behaved inappropriately and/or made inappropriate comment(s).

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

FINDINGS OF FACT: The complainant stated the officer made an inappropriate comment. The named officer, two witness officers, and a civilian witness 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 ALLEGATIONS #1-3: The officers searched a residence and personal property without cause.

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

FINDINGS OF FACT: The complainant stated the officers searched his residence and personal property without his permission. The complainant admitted he is on probation. The officers denied the allegation. The officers stated the complainant was on active probation with a warrantless search condition. The San Francisco Police Department records reveal an active warrantless search condition on the complainant. The officers said after the complainant's arrest for possession of narcotics, the officers entered the complainant's residence to further investigate for additional narcotics. The officers denied any personal property was seized or damaged. The officers recalled a female resident that was located in the complainant's apartment. The witness did not provide a statement. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #4-6: The officers failed to process personal property.

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

FINDINGS OF FACT: The complainant stated after he was released from jail, he returned to his residence and discovered personal items missing and an item damaged. The complainant initially reported there was no one in his residence while he was incarcerated, but later recanted. Upon further investigation, the complainant admitted there was an individual at his residence, but would not provide further information on the individual. The officers denied the allegation. The officers stated there was no property seized or damaged from the complainant's residence. The San Francisco Police Department records reveal an active warrantless search condition on the complainant. The officers stated an individual was at the complainant's residence. The witness did not provide a statement. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7-9: The officers entered a residence without cause.

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

FINDINGS OF FACT: The complainant said the officers entered his residence without his permission. The complainant admitted he is on probation. The complainant said he was arrested for possession of narcotics. The officers denied the allegation. The San Francisco Police Department records reveal an active warrantless search condition on the complainant. The officers entered the complainant's residence to further investigate for additional narcotics. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: In his written complaint the complainant stated he solicited a woman and her boyfriend for some money as they came out of a club. The complainant said the woman's boyfriend threatened him, so he walked away from the couple. The complainant said the woman flagged down a passing patrol car and the officers detained him and then arrested him. The complainant said he believed that he was the victim. The complainant did not respond to OCC's request for an interview. The officers stated a woman in distress approached them for assistance. The officers stated the complainant was arrested for an outstanding warrant, not for the solicitation or his contact with the woman. The incident report verified that the complainant had an outstanding warrant through the Central Warrants Bureau and the Department of Corrections at the time of the incident. There were no other identified witnesses. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, the acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3 and 4: The complainant said the officers used unnecessary force.

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

FINDINGS OF FACT: In his written complaint the complainant stated one of the officers kicked him in his leg. The complainant stated that while at the station and handcuffed to the bench, an officer punched him and grabbed his arm and twisted his fingers. The complainant did not respond to OCC's request for an interview. The officers denied committing the alleged acts or seeing any other officer do so to the complainant. There were no other identified witnesses. There was no Medical Screening Card at the station and the complainant did not respond to the OCC's requests for a signed medical release to obtain further medical evidence. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/12 **DATE OF COMPLETION:** 04/30/13 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #5: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: In his written complaint, the complainant said the officer took several pieces of his property and did not properly process them. The complainant did not respond to OCC's request for an interview. The officer denied the allegation. A witness officer denied any knowledge of the property having been taken. The OCC investigation disclosed the complainant was not charged, but arrested on an outstanding warrant. Therefore no property receipt was prepared or logged at the station. There were no other identified witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #6 and 7: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: In his written complaint, the complainant alleged that the officers behaved in an unnecessarily aggressive manner toward him because of his race. The complainant did not respond to OCC's request for an interview. The officers denied the allegation. The officers stated a woman in distress approached them for assistance and identified the complainant as the person who had been following her and harassing her. The officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. There were no other identified witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/12 **DATE OF COMPLETION:** 04/30/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was arrested for vandalism and for resisting arrest. While the complainant did not dispute the arrest for vandalism, she did, however, deny resisting, delaying or obstructing the duties of the responding officers. The responding officers stated the complainant refused to calm down, move her vehicle out of traffic, obstructed and delayed them in affecting a citizen's arrest by questioning a request for her driver's license, driving into her garage, and twice attempting to close the garage door on an officer's head. The named officer stated the complainant attempted to flee into the building lobby when she was notified of a misdemeanor citizen's arrest that required the issuance of a citation. A witness stated the complainant vandalized her vehicle, became loud and agitated toward the officers, and resisted the investigation. The named officer's actions were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the named officer wrenched her right hand behind her back and wrestled to get her left arm to handcuff her, causing injuries to the complainant's left hand and right arm. The named officer denied using excessive force. The named officer stated the complainant attempted to flee when informed of a citizen's arrest for vandalism. The officer stated she used minimal force to detain the complainant. The named officer suspected the complainant's own movements while handcuffed led to her injuries. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/12 **DATE OF COMPLETION:** 04/03/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was the victim and should not have been arrested. The complainant stated the victim identified him at the scene as the person who robbed him of his cell phone. The complainant acknowledged that when police stopped him he had a cell phone in his hand, which the victim claimed was his phone. The officers denied the allegation. The officers stated they met with the juvenile victim who flagged them down at the scene and pointed out the complainant as the suspect who robbed the juvenile victim of his cell phone. The officers determined through their investigation that the complainant was deemed to be the suspect in the robbery. A witness who reported the incident stated he saw the juvenile victim run up the hill toward him yelling for help and saw a car following the victim. However, the witness did not hear the dialog between the officers and the involved parties. The juvenile victim did not provide a statement. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said officers pulled him out of the patrol car and slammed him to the ground. The complainant further stated officers slammed him up against a wall and slammed him to the ground onto his chest, face and legs while at the station. The officers denied the allegation. The officers said there was no use of force against the complainant who was cooperative and compliant. The complainant's medical records did not substantiate any claim of injury, trauma or pain. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/12 **DATE OF COMPLETION:** 04/03/13 **PAGE# 2 of 3**

SUMMARY OF ALLEGATIONS #5: The officer placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant said the officer who transported him to county jail from the hospital tightened his handcuffs when he asked him to loosen them. The named officer denied the allegation. The officer stated he took a digital photo of the complainant's wrist at the jail as additional evidence to reveal there were no visible injuries from the handcuffs. The complainant's medical records did not substantiate any claim of injury, trauma or pain. The evidence proved that the act alleged in the complaint did not occur, or that the named member was not involved in the act alleged.

SUMMARY OF ALLEGATIONS #6-8: The officers used profanity against the complainant.

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

FINDINGS OF FACT: The complainant stated the officers who transported him from the scene to the station used profanities as well as the officer who escorted him to the hospital. The named officers denied the allegation. A witness did not hear the dialog between the officers and the involved parties at the scene. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/22/12 **DATE OF COMPLETION:** 04/03/13 **PAGE# 3 of 3**

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

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

FINDINGS OF FACT: The complainant was arrested and taken to the station but was not booked at the station due to a medical condition. The complainant was transported to the hospital for medical care. The complainant was medically cleared and was then transported to county jail for booking. The officers denied the allegation. The arrest log is not required to be completed by the arresting officers or the station keeper because the complainant was never booked at the station but rather at the county jail. The paramedic's patient care report and the hospital medical records reveal the complainant was under the influence of alcohol and reported a medical condition. The SFPD Booking & Detention Manual (pg. 7) states that if an individual requiring medical attention or claiming to need medical attention shall not be detained in district station holding cells. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/12 **DATE OF COMPLETION:** 04/15/13 **PAGE** #1 of 2

SUMMARY OF ALLEGATION #1: The officer used force against the complainant.

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

FINDINGS OF FACT: The complainant stated she was told by a construction worker to take a detour around a construction site. She said she proceeded to the detour when an officer pushed her from behind, causing her to fall. The complainant informed the officer that her back hurt so the officer offered her an ambulance but she refused to be transported because she did not trust the paramedics because they laughed at her. The complainant was not certain of the exact date and time of the incident. The complainant's Patient's Rights Advocate stated that the complainant was unable to answer specific questions. The sergeant in charge of the 10B assignments in the area could not find any documents to match the dates in question. The Department of Emergency Management was unable to locate the incident. The Fire Department did not locate records for the complainant with the information provided. There were no other records to identify the incident with the information provided. The officer could not be identified from the available information. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer handcuffed her and was never told the reason. The officer was not identified with the information that the complainant provided. The complainant was not certain of the exact date and time of the incident. There were no other records to identify the incident with the information provided. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/12 **DATE OF COMPLETION:** 04/15/13 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated she asked the officer for his name and badge number and he covered it with his hand. The officer was not identified with the information the complainant provided. There were no other records to identify the incident with the information provided. 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: 06/29/12 **DATE OF COMPLETION:** 04/30/13 **PAGE** #1 of 2

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

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

FINDINGS OF FACT: The named officer denied the allegation. One witness officer said he did not know the reason for the detention because he had not been involved in the investigation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he interviewed a victim who provided probable cause. One witness officer said he was not involved in the investigation leading to the arrest. There were no other witnesses who came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/29/12 **DATE OF COMPLETION:** 04/30/13 **PAGE** #2 of 2

SUMMARY OF ALLEGATION #3: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant said the officer only arrested him because of the officer's personal relationship with the woman who accused the complainant of threatening her. The officer said that his relationship with the victim was professional, in that she worked in a housing development on his beat. He denied that anything about his relationship with the victim influenced him in the investigation that led to the complainant's arrest. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/12 **DATE OF COMPLETION:** 04/24/13 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated she and her children were at AT&T Park watching a baseball game. The complainant stated she was taking pictures when she got into an argument with a Giants staff, telling her to stop taking photos. When she refused, the staff told her that she needed to leave the ballpark. When she refused to leave, the police were called.

The complainant stated the named officer told her she had to leave. The complainant stated she initially refused, but eventually complied with the officer's order. The complainant stated that while she was being escorted out, the named officer repeatedly used profanity towards her. When she asked the officer about his behavior, the complainant stated the officer immediately threw her to the ground and placed her in handcuffs. The complainant's daughters, in part, supported her account of what happened.

The named officer stated that a Giants security guard told him the complainant was intoxicated and wanted the complainant escorted out of the ballpark. The officer stated the complainant initially refused to leave but later complied. The officer stated that as they were walking up the stairs, the complainant accused him of touching her. The officer stated the complainant turned around and said, "Don't fucking touch me." When the officer told her to take her hand away from his face, the officer stated the complainant pushed his face with her hand. The officer stated that when he attempted to place the complainant in custody, she resisted, causing both of them to fall to the ground. The complainant was then placed in handcuffs and arrested for resisting arrest and for being drunk in public.

The named officer's partner stated that the complainant was being escorted out when an argument ensued between the named officer and the complainant. The witness officer stated he was walking behind the named officer and the complainant and could not hear their conversation. The witness officer stated that when the argument escalated, the named officer placed the complainant in handcuffs.

The involved security guard did not respond to OCC's request for an interview. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/12 **DATE OF COMPLETION:** 04/24/13 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force. The complainant stated that the officer grabbed her head and jacket and pushed her against the rail of the stairs, almost throwing her over. To prevent herself from falling, the complainant stated she held tight on the rail and pushed herself back towards the named officer's body. The complainant stated that the officer repeatedly kicked her on the back and tackled her to the ground. The complainant stated she was then placed in handcuffs.

The officer denied the allegation and said that the complainant resisted when he attempted to place her in handcuffs. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/12 **DATE OF COMPLETION:** 04/24/13 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant alleged that the officer searched her without cause. The officer stated the complainant was searched after she was placed under arrest for resisting arrest and for being drunk in public. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer inappropriately searched the complainant.

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

FINDINGS OF FACT: The complainant alleged, in part, that the named officer inappropriately searched her by exposing her breasts and touching her private parts. The officer denied the alleged search. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 07/03/12 **DATE OF COMPLETION:** 04/24/13 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #6: The officer behaved inappropriately, made inappropriate comments, and used profanity.

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

FINDINGS OF FACT: The complainant and her daughters stated that the officer behaved inappropriately, made inappropriate comments, and used profanity. The named officer denied the allegation. The named officer stated that he used the appropriate tone of voice during his contact with the complainant. The officer stated he was not discourteous to the complainant and his demeanor was lawful and authoritative. The named officer's partner stated that although he did not like how the incident was handled, he denied any use of profanity as alleged by the complainant. No 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/12 **DATE OF COMPLETION:** 04/30/13 **PAGE #** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to take a report.

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

FINDINGS OF FACT: The complainant stated she asked for a supplemental report to the initial report for a previous incident in 2011. She stated the officer refused to write a supplemental. The officer denied the allegation. He stated the complainant was not making sense, was rambling about other incidents, and was unclear with her story. The officer stated he attempted to determine if a crime was committed and offered a report but the complainant left prior to a supervisor speaking with her. The complainant stated in her complaint that she did not wait for the sergeant and left. The sergeant stated he did not have a specific recollection of the incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 2: The officer discriminated against the complainant.

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

FINDINGS OF FACT: The complainant stated she felt she was being discriminated against due to her mental illness when she was asked to get back in line and wait for the sergeant. The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol and denied that the complainant's appearance or behavior was a factor in not preparing a supplemental report. The officer stated the complainant was offered a report but she left prior to a supervisor speaking with her. The sergeant stated he did not have a specific recollection of the incident. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 07/16/12 **DATE OF COMPLETION:** 04/30/13 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #3: 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 following agency:

San Francisco Police Department
Internal Affairs Division
850 Bryant 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: 07/20/12 **DATE OF COMPLETION:** 04/23/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the seizure order on her dog was not valid and she assumed the seizure order had been resolved. The officer denied the allegation. The officer said he was the investigating and hearing officer for the Vicious and Dangerous (V&D) Dog Court and issued the Seizure Order for the complainant's dog. The officer stated the Seizure Order was accurate as the complainant's dog was found to be vicious and dangerous and had already attacked and inflicted serious injuries to dogs and others in two separate incidents. The officer stated the complainant failed to register her dog as ordered by the Animal Care & Control (ACC) agency, after having been properly noticed on numerous requests to do so. The officer stated that on two separate occasions, units from Animal Care and Control responded to the complainant's residence to seize the dog, but the complainant refused. The officer acknowledged that he notified the police station and Animal Care & Control (ACC) to assist officers in executing the Seizure Order. The officer said the complainant was recklessly defiant in her disregard for public safety, so the complainant's dog was seized and held pending another (V&D) dog hearing. The officer stated his responsibility was to determine if the complainant's dog was vicious and dangerous as per Article 1, Sec. 42 (a) SFHC and his role was to protect the health and welfare of the community. The witness ACC officer said he was dispatched to seize the complainant's dog and did not issue the seizure order. The evidence shows that after a Vicious and Dangerous hearing, it was determined the complainant's dog was vicious and dangerous. The evidence further shows that the Seizure Order was issued due to the complainant's failure to register her dog as a vicious and dangerous dog as required in the Statement of Decision. There were no other witnesses identified at the scene. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 07/20/12 **DATE OF COMPLETION:** 04/23/13 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer grabbed and jerked her neck area. The officer denied the allegation. The officer said the complainant was aggressive, irate and angry about surrendering her dog to the officers. The officer stated she was afraid the complainant's aggressive dog was going to injure her, the officers, or the public. The officer said she held the complainant on her upper body area in order to restrain the complainant from becoming more aggressive toward the officers and to allow the Animal Care & Control (ACC) officer to safely seize her dog. The officer stated as the complainant pulled back at a slight angle and the ACC officer seized and pulled the complainant's dog from the front side area, the officer's arms slipped near the complainant's upper torso area and ended near her neck and torso area. The witness ACC officer said the complainant resisted and tried to walk away from the scene. There were no other witnesses identified at the scene. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/12 **DATE OF COMPLETION:** 04/12/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant, who speaks Spanish, stated that the officers failed to enforce the temporary restraining order he had against his roommate who had been ordered to stay three yards away from the complainant while inside the house. The named officers denied the allegation and denied being shown the temporary restraining order. The officers stated that the complainant was in a verbal dispute with the roommate regarding loud music, and that there was no merit to the initial 911 call of a person with a knife. OCC's attempts to interview four other Spanish-speaking witnesses were unsuccessful. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer told him the court order was ridiculous, and that the complainant needed to move out or he would end up being stabbed. The named officer denied and other officers denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/12 **DATE OF COMPLETION:** 04/04/13 **PAGE #1 of 6**

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

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

FINDINGS OF FACT: The complainant stated that he was arrested and accused of burglary. The complainant stated that he did not commit any crime and that the charges were dismissed. The officers stated that a superior officer told them that the complainant was seen burglarizing a home. The officers found stolen items in the complainant's vehicle. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he was minding his own business when officers ran by him. They then turned around and told the complainant to get on the ground. They then handcuffed him. The officers stated that they were searching for suspects in a robbery when they saw the complainant hide from them. They took him into custody and handcuffed him in order to conduct an investigation. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/12 **DATE OF COMPLETION:** 04/04/13 **PAGE #2 of 6**

SUMMARY OF ALLEGATIONS #5-6: The officers searched the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that officers searched his pockets and took out his car keys. The officers stated that they searched the complainant because he was detained and they were investigating a crime. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATIONS #7-8: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the officers used the complainant's keys to open his car door and search the vehicle. A sergeant then told the officers to search the trunk of the vehicle and the officers did so. The complainant stated that he did not give permission to the officers to search the vehicle or the trunk. The officers stated that they searched the vehicle, including the trunk, after the complainant gave them permission. The car was later towed as evidence. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/12 **DATE OF COMPLETION:** 04/04/13 **PAGE #3 of 6**

SUMMARY OF ALLEGATIONS #9-10: The officers towed the vehicle without justification.

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

FINDINGS OF FACT: The complainant stated that he was wrongfully arrested and the officers towed his vehicle without cause, leading to high fees and difficulty in getting to his job. The officers stated that they were told by a superior officer to tow the vehicle because it was evidence of a crime. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATIONS #11-12: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated that one of the officers who detained him used a profane remark when telling him to get on the ground. Both officers denied using any profanity. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/12 **DATE OF COMPLETION:** 04/04/13 **PAGE #4 of 6**

SUMMARY OF ALLEGATIONS #13-14: The officers handcuffed the complainant too tightly.

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

FINDINGS OF FACT: The complainant stated that officers placed him in handcuffs and they were so tight that the complainant's thumb went numb and he had pain going through his hand. The complainant also stated that he told the officers about the tight handcuffs and they made him wait several minutes before loosening them. The officers stated that after the complainant was handcuffed, he never said anything about being in pain. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATIONS #15-17: The officers failed to read the complainant his Miranda rights.

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

FINDINGS OF FACT: The complainant stated that the officers questioned him extensively without reading him his Miranda rights. The officers stated that they did not question the complainant and that his Miranda rights were read to him. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/12 **DATE OF COMPLETION:** 04/04/13 **PAGE #5 of 6**

SUMMARY OF ALLEGATION #18: The officer failed to properly supervise.

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

FINDINGS OF FACT: The complainant stated that the sergeant told officers to place him under arrest and search his vehicle despite him doing nothing wrong. The sergeant stated that he gave the officers orders in order to investigate a crime that he had witnessed the complainant take part in. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #19: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officer made remarks that the complainant would be losing his job. The officer denied saying anything to that effect. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/12 **DATE OF COMPLETION:** 04/04/13 **PAGE #6 of 6**

SUMMARY OF ALLEGATION #20: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that he called the officer to get his vehicle released from the tow yard. The officer did not call him back and the complainant could not get to work. The officer stated that he released the vehicle in a timely manner. 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:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 07/30/12 **DATE OF COMPLETION:** 04/26/13 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated that during a traffic stop the officer had him exit his car and handcuffed him without cause after he told the officer he did not have a driver's license. The complainant stated he then told the officer that he had a valid driver's license but had left it at home. The named officer stated that he did a traffic stop because the complainant's vehicle had an inoperable tail light. He stated that he placed the complainant under arrest and handcuffed him because the complainant told him he had no driver's license. When the complainant clarified this and said he did have a valid driver's license that was not in his possession, the named officer confirmed this with the Department of Motor Vehicles and released the complainant. The evidence established that at the time the named officer arrested and handcuffed the complainant, he reasonably believed the complainant was driving without a valid license. 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 applied handcuffs too tightly.

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

FINDINGS OF FACT: The complainant stated the named officer applied the handcuffs too tightly during a traffic stop. The complainant also stated he told the officer the handcuffs were too tight. Two civilian witnesses were friends of the complainant who saw him immediately after the traffic stop. One of these witnesses stated that he saw red marks on the complainant's wrist and that the complainant told him the officers cuffed him tightly. The other witness stated the complainant told him the officers cuffed him forcefully, causing him pain. This witness ended his OCC interview prematurely and failed to respond to attempts by OCC to complete the interview. The named officer denied the allegation, stating he checked the handcuffs for proper tightness and double-locked them. The named officer confirmed that the complainant complained about tight handcuffs, but stated that he did nothing in response because he'd already checked the handcuffs for the proper degree of tightness. The named officer's partner, who was nearby when he handcuffed the complainant, stated he didn't recall how tight the handcuffs were or whether the named officer double-locked them or checked them for tightness. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer used unnecessary force on him while placing him in the back of the patrol car. The named officer denied the allegation. The named officer's partner stated that he did not see the physical contact his partner had with the complainant while placing him in the patrol car. Two civilian witnesses who were friends of the complainant stated that they were unable to see what happened as the complainant was placed in the back of the patrol car. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the named officer made inappropriate comments about towing his vehicle. The named officer denied making the comments described by the complainant. The named officer's partner stated he didn't know whether the named officer made any statements about the complainant's car being towed. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 07/30/12 **DATE OF COMPLETION:** 04/26/13 **PAGE# 3 of 3**

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to record required information on the citation.

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

FINDINGS OF FACT: The evidence established that the officer failed to list a court date on the Notice to Appear citation he issued to the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 08/01/12 **DATE OF COMPLETION:** 04/23/13 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer detained an unidentified woman without justification.

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

FINDINGS OF FACT: The complainant stated while working in his business he heard shouting outside and went out to investigate. The complainant stated he heard an officer yelling at a woman and then heard the sounds of bottles being dumped into a recycling bin. The complainant said both the officer and the woman left the area, but the woman returned and again began taking the bottles. The complainant stated that the officer returned to the scene and grabbed the woman by the wrist. A witness stated that he also heard a commotion and then saw an officer confronting a woman about taking from the recycling bins. The witness said the officer was telling the woman that what she was doing was illegal, and if she did not stop he would arrest her. The officer denied detaining the woman without justification. He described the incident as a consensual encounter, where he was merely telling the woman that she could not steal recyclables, and instructed her to return them to the proper recycling bin. No other witnesses came forward and the OCC was unable to locate the unidentified woman for a statement. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT:

The complainant stated that the officer was yelling at the woman and told her that if she stole recyclables again, he would handcuff her and take her to the station. The officer denied yelling at the woman but stated that he spoke to her in a firm tone. He said that the encounter occurred outdoors and there was a little bit of traffic nearby, but denied that he was yelling. The officer stated he believes he told the woman that if she did not quit stealing recyclables, she could be arrested. A witness described the encounter as a heated discourse and a harsh reprimand. No other witnesses came forward and the OCC was unable to locate the unidentified woman for a statement. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the sergeant grabbed an unidentified woman's wrist behind her back and raised it up. The complainant said the sergeant had the woman's wrist bent behind her back and he pushed her towards a wall and then onto her knees on the ground. The named officer denied the allegation. He stated that he had instructed the woman to place the stolen recyclables back into a recycling bin, and that she seemed angry, but had complied. He then saw that she still had one stolen bottle remaining in her cart, and he instructed her to return it to the recycling bin. The officer stated that the woman replied, "No!" and then grabbed the bottle by the neck in her left hand, and came up very quickly with an angry look on her face and clenched teeth. Fearing that she may hit him with the bottle, he stated that he grabbed her right arm and twisted her around, pulling her arm behind her back to get some control of her. He moved her about a foot or two towards a wall that was nearby as he held her arm. He stated, "Hand me that bottle." She reached her left arm back and handed the sergeant the bottle. He took the bottle and then released her right arm. He placed the bottle back into the recycling bin and he told the woman, "Go away from here and don't steal anymore." She grabbed her cart and then left the area. A witness described the contact as a heated confrontation between the officer and woman and stated that there was some physical contact, but did not describe any force having been used. No other witnesses came forward and the OCC was unable to locate the unidentified woman. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/01/12 **DATE OF COMPLETION:** 04/23/13 **PAGE#** 3 of 3

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to maintain communication with dispatch.

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

FINDINGS OF FACT: The Unit History Detail for the named officer on this date does not show the contact with the unidentified female. The named officer stated that he did not go out on the radio to say that he was talking to this woman because all it was, was an admonishment for stealing recyclables and he only stopped to tell her to stop doing it. He said that it was a consensual encounter just to talk to her and tell her to stop misbehaving. He said that the entire contact lasted less than a minute and he did not consider it a detention. He denied failing to maintain communication with dispatch, stating that if he needed to call them, he would have. An SFPD commanding officer forwarded a memorandum to the OCC regarding the complaint from the complainant. Pursuant to the acting commander's memorandum to the commander of operations, the named sergeant should have stated over the air his "on view" petty theft of recyclables and provide the location of the incident. SFPD General Orders 1.03 and 1.04 state that both patrol officers and sergeants shall maintain constant radio contact with the Communications Division. The named officer did not maintain constant contact with Communications Division and did not notify them of the on-view theft of recyclables. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #1: The officer used racially derogatory comments.

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

FINDINGS OF FACT: The complainant stated the named officer and other unidentified officers used racial slurs. He was not sure if the unidentified officers were members of the SFPD or other law enforcement agencies. The named officer denied the allegation. The officers who took the complainant into custody stated that they did not use, and did hear any other officers use, racial slurs. The complainant made other statements about the named officer that proved to be untrue. There was no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the named officer and other unidentified officers used profanity. He was not sure if the unidentified officers were members of the SFPD or other law enforcement agencies. The named officer denied the allegation. The officers who took the complainant into custody stated that they did not use, and did not hear any other officers use, profanity. There was no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3 - 6: The officers used excessive force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated the officers who arrested him kicked, stomped and punched him and beat him with batons. He stated he fought the officers and punched one of the officers in the face. The named officers stated the complainant punched an officer in the face and violently resisted arrest. They had been informed that the complainant had used a gun in a carjacking prior to his arrest and they were concerned for their safety when the complainant refused to remove his arms from underneath his body. The officers stated physical controls (closed fist/knee/elbow strikes), not batons, were employed to take the complainant into custody. A witness officer stated he saw the complainant resisting arrest, flailing his arms and legs, trying to get up. This officer stated he grabbed the complainant's legs but the complainant broke free of his grasp. The officer stated it was very dark and hard to see what types of physical controls the officers were using. He stated no batons were used. There was no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: No entry was made on the use of force log. The officer stated he conducted a use of force investigation and made the appropriate entry. He stated that the log on which he made entry must have gone missing. The supplemental incident report documented that the officer made an entry into the use of force log. The four officers who prepared incident report statements stated they reported their use of force and the named member made an entry into the use of force log. A review of use of force logs for the year 2012 revealed that, on average, thirteen entries were made each month. Just three entries were made for the month covering this incident. This anomaly supported the officer's contention that a page from the log went missing. There was no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants, security officers at the baseball stadium, stated that the named officers failed to promptly eject two men from the stadium. The complainants stated that they told the officers the two men had been fighting and were verbally abusive to and attempted to assault the complainants. They stated that the officers did not properly diffuse the hostile situation and instead talked to the two men and their companions. They stated that the officers failed to take proper action when these men insulted the complainants, used profanity and uttered racial slurs. The named officers stated that when they arrived, they saw several men in a verbal confrontation with the complainants. One of the named officers stated that he grabbed a man who was screaming at the complainants and told him to calm down. A security officer told him that this man pushed her and verbally abused other security officers, but did not want to press charges and wanted the two disruptive men ejected. This officer stated that he and his partner conducted an investigation by speaking to the involved individuals and then ejected one of the men while the other left voluntarily. This officer also stated that when one of the men used profanity and racial slurs, he grabbed his arm and told him to calm down. The second named officer stated that he spoke with an individual holding a child, who security officers told him had been involved in a fight. When this individual used a racial slur, the officer admonished him not to use such language. This officer stated that he and his partner ejected the two men the security officers said they wanted ejected. The Department records indicate the subject was escorted from the stadium twelve minutes after the officers arrived on the scene. There is insufficient evidence to either prove or disprove whether, under the circumstances, the officers were justified in conducting further investigation into possible criminal acts before ejecting the subjects. Therefore, there is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 08/31/12 **DATE OF COMPLETION:** 04/09/13 **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: In his written complaint, the complainant stated, in part, that he was detained without justification. He wrote that he was sleeping in his parked car when he was approached and detained by the named officer. The complainant did not respond to OCC's request for an interview. Department records show that the named officer responded to an auto boost call and that the complainant's vehicle matched the description of the vehicle being boosted. The named officer detained the complainant for investigation. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified lawful and proper .

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

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

FINDINGS OF FACT: In his written complaint, the complainant alleged the officers were rude, disrespectful and/or made inappropriate comments. The complainant did not respond to OCC's request for an interview. The complainant stated one of the officers knocked on his car window and forcibly opened his car door. The complainant stated a female officer sat against his car door and gave the complainant attitude by asking him to step out of his car. The complainant stated the female officer also said he was under the influence of something which caused him "public humiliation." The officers denied the allegation and stated that they were professional during the contact. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/31/11 **DATE OF COMPLETION:** 04/17/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: In his written complaint, the complainant stated, in part, that an Inspector called him to discuss a report filed by a female victim who alleged that the complainant was stalking her. The complainant stated he offered to go to the station to answer the Inspector's questions, but the Inspector told him it was not necessary for him to come into the station and talk with the Inspector. The complainant stated during his conversation with the Inspector he was not advised of the nature of the report and the process in which the report would be archived. The complainant did not respond to OCC's request for an interview. The Inspector denied the allegation. The Inspector stated he did not tell the complainant not to come into the station to talk to him in person. The Inspector said he did speak with the complainant on the phone, to which the Inspector stated he identified himself and talked about the incident with the complainant. The Inspector stated he explained to the complainant that reports are stored digitally for an indefinite amount of time. There were no witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in this complaint.

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DATE OF COMPLAINT: 09/13/12 **DATE OF COMPLETION:** 04/25/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the police harassed her sometime last year by preventing her from retrieving her property from a storage facility. The incident in question has not been located and the alleged officers have not been identified. The complainant failed to provide additional information regarding the alleged incident.

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

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

FINDINGS OF FACT: The complainant stated she had difficulty obtaining a copy of an incident report. However, the complainant failed to provide specific information about her attempts to obtain a copy of the incident report.

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SUMMARY OF ALLEGATION #3: This complaint raises matters outside OCC's jurisdiction.

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. The San Francisco Sheriff's Department told the OCC that they already have the complainant's complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that while standing on the corner of a street and talking with friends, two officers drove by and threatened to arrest the complainant if they saw him in the area again. The complainant provided a description of the two officers and the identification number on the police car. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 09/20/12 **DATE OF COMPLETION:** 04/01/13 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainants accused the officer of harassing them for dancing to music the complainants were playing on sound equipment near a local tourist attraction. The complainants stated they had performed at this same location several times before, but had never been informed their performances were in violation of a city ordinance. The officer stated he had received several complaints from local business people in the area that the loud music played by the complainants was a nuisance. The officer responded to a call for service and subsequently issued citations to the complainants after he had repeatedly warned them on previous occasions that their performances, absent a permit, were in violation of a city ordinance. The OCC interviewed one of the local business people who acknowledged contacting the officer and requesting his assistance in dealing with the nuisance. The witness described several past incidents involving the same complainants and the same nuisance they were committing. The witness said he was present when the officer cited the individuals and the officer was very respectful in his contact with the complainants. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #2: The officer seized the complainants' property without cause.

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

FINDINGS OF FACT: The complainants accused the officer of taking their (sound) equipment, which they used in their open-air, dancing performances staged on the sidewalk near a local tourist attraction. The officer stated he responded to a call for service and subsequently issued citations to the complainants after he had repeatedly warned them on previous occasions that their performances, absent a permit, were in violation of a city ordinance. The officer stated that after he cited the complainants, he requested them to remove their sound equipment from the area. The officer stated the complainants refused to remove the equipment, so he requested assistance from the Department of Public Works (DPW) in removing the equipment from the area. In her complaint, one of the complainants acknowledged walking away from the officer and watching DPW throw the equipment in the truck. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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DATE OF COMPLAINT: 10/10/12 **DATE OF COMPLETION:** 04/23/13 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant went to the police station to file a report about her missing wallet and spoke with the officer at the front desk. The complainant stated the officer was rude, discourteous and unfriendly. The complainant stated the officer asked her who stole her wallet and how she became aware that her wallet had been stolen. The complainant stated despite answering the officer's questions, the officer repeatedly asked the same question. In her written response, the named officer stated she was calm, pleasant and very helpful even though the complainant became upset, rude and hostile with the officer. The officer stated she told the complainant she had to ask her pertinent questions in order to complete the police report. The officer stated she asked questions about the suspect but the complainant refused to answer. When the officer asked the complainant about the contents of her wallet, the complainant became upset and left the police station. The witness officer corroborated that the named officer was calm and professional and explained to the complainant that her responses were necessary to complete the police report. No civilian witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant alleged the officer failed to comply with DGO 5.20. The complainant stated the officer told her she could not understand the complainant's English. The complainant stated she told the officer she speaks Croatian and asked for a Croatian interpreter, but the officer refused and said no one was available. The officer stated the complainant spoke in English and they had no difficulty understanding each other throughout the contact. The officer stated the complainant did not say she needed an interpreter. The witness officer corroborated that the complainant did not ask for an interpreter. No civilian witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/05/13 **DATE OF COMPLETION:** 04/24/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer yelled and used profanity towards her. The complainant said the officer told her, "This is not your country!" The officer denied the allegation. The officer stated the area was busy with heavy traffic and noise and there were many crossing pedestrians during a major software company event. The officer stated he heard yelling from behind him and then noticed the complainant's car enter the busy intersection against a red traffic light. The officer stated the complainant's car blocked the crosswalk area and cross traffic near Fire Station No. 1. The officer said the complainant had her driver's side window up when he made contact with the complainant and directed her to move along. The officer said he was designated to conduct traffic control and his objective was to keep the intersection clear and safe. The complainant stated that her mother and children were witnesses to this incident. However, the complainant told the OCC that she did not want her family to be involved and/or interviewed regarding this incident. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation in this complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer's behavior towards her was racially motivated based on her race. The complainant said the officer picked her out from other cars in traffic, because she wore a hijab. The officer denied the allegation. The officer said he did not know the race or ethnicity of the driver of the vehicle. The officer stated he advised the complainant to move her vehicle along because her vehicle was blocking traffic. The complainant stated that her mother and children were witnesses to this incident. However, the complainant told the OCC that she did not want her family to be involved and/or interviewed regarding this incident. No other witnesses were identified. The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. There was insufficient evidence to either prove or disprove the allegation in this complaint.

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

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

FINDINGS OF FACT: The complainant stated that the officer “swore under penalty of perjury that there was an arrest warrant outstanding” for the complainant. The officer stated he simultaneously prepared an arrest warrant and a search warrant for the complainant. He stated he took both warrants to the District Attorney’s Office, who advised him to go forward with the search warrant and hold off on the arrest warrant. He stated he then brought the search warrant to a judge for signature. He stated he forgot to revise the search warrant before the judge reviewed it. He acknowledged that the face page of the search warrant had a box checked indicating the complainant had an outstanding arrest warrant. However, the officer noted the box being checked off had no bearing on the judge’s decision to authorize a search of the complainant’s home. Additionally, the officer noted that he made no mention of the arrest warrant in his Declaration of Probable Cause. The OCC verified that the officer made no mention of an arrest warrant in his Declaration of Probable Cause. The complainant was not arrested pursuant to an arrest warrant. He was arrested after officers found possible evidence of a crime during a search of his residence. The officer stated that he inadvertently failed to revise the search warrant. While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer part, or evidence that the error caused harm to the complainant or others). There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS#2-10: The officers entered and searched the complainant’s residence without cause.

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

FINDINGS OF FACT: The officers entered and searched the complainant’s residence pursuant to a valid search warrant. The officers’ conduct was proper.

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SUMMARY OF ALLEGATIONS #11-13: The officers damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that, during a search of his residence, officers damaged his property. Two of the named officers stated the third named officer authorized them to breach two locked doors inside the residence. The third officers stated he ordered the officers to breach the doors. He stated he did so after he learned that residents inside the home had tossed evidence outside a window. This evidence was photographed and documented in the incident report. The two named officers prepared the required memos to their superiors documenting the damage. An officer who has since retired from the Department prepared a memo on the day of the incident stating she accidentally broke a window when she dropped a mattress. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #14-15: The officers seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated the officers seized his clothing without cause. The named officers stated these items were seized because they matched the items worn by the robbery suspect as seen in the MUNI video, and they were listed items on the search warrant. The complainant brought the seized items to his OCC interview. The items were very similar to the clothing seen in the MUNI video. The officers had probable cause to seize the items as evidence. Their conduct was proper.

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SUMMARY OF ALLEGATION #16: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that he was wrongfully arrested for stealing an iphone on a MUNI bus. The named officer stated the complainant was arrested because he matched the appearance of a robbery suspect captured on a MUNI video. Also, an unusual furry hat that matched the suspect's hat was found in the complainant's home. The named officer further stated the pants and shoes seized in the complainant's home were similar to those in the video. However, the stolen iphone was not found in the complainant's home. A witness officer stated he has known the complainant for years and told the named officer that the complainant was the suspect in the video. The complainant brought the furry hat and other items seized by police to his OCC interview. The furry hat was a very close match to the suspect's hat. While wearing the furry hat, there was some resemblance between the complainant and the robbery suspect. The named officer had probable cause to arrest the complainant. His conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that on a certain date, the officer and the officer's partner detained him while he was eating breakfast at a local restaurant. The complainant asked the officer why he was being detained, but the officer did not answer his question. The complainant alleged the officer handcuffed him, found medicine tablets for which the complainant had a legitimate prescription, and subsequently released the complainant. Department records indicate the officer was not working on the date the alleged incident occurred. Additionally, the OCC was unable to locate the alleged incident. The evidence proved that the officer's alleged act in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated that on a certain date, the officer detained and handcuffed him while he was eating breakfast at a local restaurant. During the process of placing handcuffs on the complainant's right hand, the officer twisted the hand to the point of causing great pain to the complainant. The complainant said his hand became swollen and he had to seek medical attention. Department records indicate the officer was not working on the date the alleged incident occurred. Additionally, the OCC was unable to locate the alleged incident. The evidence proved that the officer's alleged act in the complaint did not occur.

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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 wrote that on an unspecified date, the officer cited him for trespassing. The officer denied the allegation and stated that he cited the complainant after he had witnessed the complainant “either masturbate or urinate” into a potato chip bag. The complainant did not respond to OCC’s request for an interview. No witnesses were identified. 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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DATE OF COMPLAINT: 09/28/11 **DATE OF COMPLETION:** 04/23/13 **PAGE #1 of 4**

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

CATEGORY OF CONDUCT: UF **FINDING:** PF/TF **DEPT. ACTION:**

FINDINGS OF FACT: The named officers responded Code 3 to an incident involving a mentally ill individual who had stabbed the victim with a pointy object. Neither officer recalled dispatch describing the suspect as “mentally challenged.” The officers, joined by a plainclothes officer who had arrived as backup, entered the residence. They observed several teenagers and an adult talking inside the living room. No one was upset or appear frightened. The officers asked whether someone had been stabbed. One of the named officers informed dispatch “Code 4, no merit, sorting it out.” A young girl said that she had been cut, not stabbed and showed the officers a small cut on her back. She indicated that the person who cut her was down the hallway. An adult female asked several times to talk with the officers but they told her they needed to find the suspect.

The two named officers walked down the hallway and were directed to a closed door in the middle of the hallway. One of the named officers knocked on the door and ordered the suspect to come out. When the suspect opened the door, three feet separated the suspect from the named officers. The suspect held an X-Acto knife in his hand in a stance the officers described as aggressive. The officers drew their guns and ordered the suspect to drop the knife. The suspect did not comply and began walking toward the officers. The officers backed up into the living room. The officers repeatedly told the individual to drop the knife or they would shoot; he did not comply. From a distance of approximately five feet, the officers shot the suspect three times. When the suspect did not put down the X-Acto knife and walked toward the officers, the named officers’ use of lethal force satisfied the United States Supreme Court’s standard of objective reasonableness and was consistent with Department policy.

Although the evidence demonstrated that the named officers’ use of lethal force was objectively reasonable, the officers’ investigative and tactical errors jeopardized their own safety and those within the residence and also compromised the officers’ ability to consider alternatives to deadly force. For example, despite the dispatcher’s repeated description of the suspect as “mentally challenged,” both officers claimed they were unaware that they were responding to a stabbing involving a mentally ill suspect. A sergeant recalled hearing dispatch describe the stabbing suspect as mentally challenged even though the sergeant was preoccupied with investigating a more serious incident involving armed suspects in a gun fight.

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The officers' initial failure to recognize that they were responding to a call involving a mentally ill suspect prevented them from developing a plan and tactics that took into consideration the suspect's mental illness. Because neither officer had received the Department's 40-hour training on responding to mental health crisis calls, they had not received training on how to develop a plan and tactics involving a mentally ill suspect.

Although both officers were certified to use the Extended Range Impact Weapon (ERIW) and had one in their patrol vehicle, they did not bring it with them inside the residence. By leaving the ERIW in the patrol vehicle, the officers eliminated the option of using a long-range impact weapon that has been successfully deployed against armed individuals in mental crisis. Despite being dispatched to a stabbing involving an armed suspect, the officers acknowledged that they had no plan for handling an armed suspect. Once inside the residence, they failed to gather any information about the suspect (other than his possible location) and disregarded the suspect's sister's attempts to tell them about the suspect's mental illness. Within seconds of arriving at the residence, one of the named officers informed dispatch there was no merit to the stabbing incident and they were sorting out the situation. However, without basic information about the suspect and the incident to make a threat assessment, the named officers approached the bathroom door and ordered the suspect to come out. When the bathroom door opened, the named officers were three feet away from the suspect whom one of the named officers incorrectly assumed was a "little teen" who had argued with the "little girl." Thus, without regard for tactical considerations (i.e. cover) and the nature of the call (stabbing), the named officers stood close to the bathroom door and ordered the suspect to come out. They placed themselves in a vulnerable position that gave them no choice but to fire their weapons when they encountered the suspect moving toward them with an X-Acto knife.

The current officer-involved shooting review process does not evaluate the tactical, training, and policy issues raised by the officers' conduct. The review process does not analyze the officers' predischarge tactics to determine whether the officers unnecessarily placed themselves in a position that gave them no choice but to fire their weapons. The Department's training and tactic experts do not assess from the initial contact to the shooting itself whether the officers followed their training and performed in a tactically sound manner or whether the officer needs additional training and/or the underlying training or policies need to be changed. The OCC concludes that the allegations of excessive force against the named officers are the result of policy and training failures and recommends enhancing the scope of the officer-involved shooting review process.

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

CATEGORY OF CONDUCT: UF **FINDING:** PF/TF **DEPT. ACTION:**

FINDINGS OF FACT: The named officers responded Code 3 to an incident involving a mentally ill individual who had stabbed the victim with a pointy object. Upon arriving at the residence, the officers determined that the victim had been cut by a weapon by a suspect who was likely in a room down the hallway. The officers approached the door and ordered the suspect to come out. When the suspect opened the door, he stood three feet from the officers with an X-Acto knife in his hand. The officers drew their guns and ordered the suspect to drop the knife. The suspect did not comply and began walking toward the officers. The officers backed up into the living room. The officers repeatedly told the suspect to drop the knife or they would shoot; he did not comply. From a distance of approximately five feet, the officers shot the individual three times.

The officers did not request dispatch for information about the incident or the suspect. Although they were responding to a stabbing incident with an armed suspect, they did not have a tactical plan. Within a minute of arriving, one of the officers informed dispatch there was no merit to the call. When they learned that the suspect had cut the victim with a weapon, they did not request further information about the incident or the suspect. The officers refused to talk with the sole adult at the scene who requested to talk with them about her brother's mental illness. The officers did not formulate a plan or confirm with the backup officer about the next step. The officers moved to a position without cover and ordered the suspect out of the room. Before taking this action, the officers did not assess the risk to themselves or others in the residence. They did not consider whether other police resources or tactics could assist.

The current officer-involved shooting review process does not evaluate the tactical, training, and policy issues raised by the officers' conduct. The review process does not analyze the officers' pre-discharge tactics to determine whether the officers unnecessarily placed themselves in a position that gave them no choice but to fire their weapon. The Department's training and tactic experts do not assess from the initial contact to the shooting itself whether the officers followed their training and performed in a tactically sound manner or whether the officer needs additional training and/or the underlying training or policies need to be changed.

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Additionally, there are no written procedures concerning the Department's responsibilities toward the family of the individual shot or injured and the community at large following an officer-involved shooting. For example, several hours after the shooting and only after repeated requests through dispatch did the Department identify a bilingual officer who could assist with interviewing the father of the individual who had been shot. To enhance police-community relations, the OCC recommends written procedures that require the Chief to designate an on-site commander to act as a liaison between the Department and the family of the individual injured or killed and also between the Department and the community. This commander's responsibilities would include 1) providing timely information to the family of the individual who was shot; 2) notifying the Department of Public Health (or other relevant Department) for immediate or follow-up crisis support services for impacted individuals such as family members of the individual who was shot, witnesses, and bystanders; 3) obtaining language assistance for involved or impacted individuals whom the Department is interviewing in relation to this event; and 4) identifying and addressing community concerns about the incident and the investigative process through community meetings, press releases, media briefing, and other relevant means.

The OCC concludes that the allegations of failure to act against the named officers are the result of policy and training failures. The OCC recommends enhancing the scope of the officer-involved shooting review process and appointing an on-site commander to act as a liaison between the Department and the family of the individual injured or killed and also between the Department and the community.

SUMMARY OF ALLEGATIONS #5 - 6: The officers' conduct was biased due to race.

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

FINDINGS OF FACT: The complainants alleged that the police treated their family unfairly because of their race. Family members stated that the officers' demeanor was confrontational and not appropriate for a call for assistance involving someone mentally ill. The family also believed that the officers' refusal to talk with the sole adult at the scene who had information about the suspect's mental illness further demonstrated the officers' biased policing. Additionally, the family alleged that the contrast between the police response during a previous call and this case illustrated the officers' bias toward the family. During the prior incident several years ago when the family requested police assistance, the officers waited outside the house and eventually coaxed the family's mentally ill son to come outside, be handcuffed, and taken to the hospital for a psychiatric assessment without incident.

The investigation failed to disclosed sufficient evidence to either prove or disprove the allegation of biased policing. The allegations that the officers' conduct was biased due to race are not sustained.

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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 stated a stalker she has not seen in many years showed up at her apartment in the early hours of the morning and left a note saying he was sorry and he missed her. The complainant stated she felt threatened because the man had previously attempted to harm himself in her presence, so she called the police. The complainant stated the officer who responded to her home made inappropriate comments indicating that she should be flattered and grateful to have an admirer. The officer denied the allegation. A witness officer denied that he heard the alleged comments. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/23/12 **DATE OF COMPLETION:** 04/24/13 **PAGE#** 1 of 1

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 stated while attending a baseball game at AT&T Park, a ballpark usher physically assaulted him. The complainant stated that when he later contacted police to file a report, the officer who arrived at his home was dismissive and acted as if the incident was not a priority. The named officer denied the allegation. The named officer stated he was professional, attentive and calm during his contact with the complainant. The officer said he was not dismissive towards the complainant, the complainant's partner or the incident itself. The witness officer corroborated that the named officer was attentive, calm and quite interested in the complainant's story. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the incident report taken indicated that the reporting officer made a follow-up phone call in an effort to further investigate the incident, and then did nothing further. The complainant stated the officer's follow-up investigation was "woefully insufficient." The named officer denied the allegation and stated that he made several attempts to reach someone at the ballpark to further investigate the incident. The officer said due to the hour at which the incident report was taken, the ballpark was already closed and he was unable to reach anyone, so he forwarded the report to the appropriate investigative unit. A witness officer confirmed this account and stated that the named officer conducted a standard investigation, asking all of the appropriate questions in order to properly investigate the incident. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the named officer threatened him. The named officer, his partner, and another witness officer denied the allegation. A witness, who called the police, also denied the allegation against the named officer and described the officer as patient and professional. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/26/12 **DATE OF COMPLETION:** 04/02/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer threatened to arrest him and also threatened to shoot him in the back. The named officer denied the allegation and stated the complainant accused the officer of stealing his boat and threatened “to get” the officer for doing so. Two witness officers supported the named officers’ statements. There were no other witnesses and no additional evidence to further 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 issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that she honked her horn to get the attention of an officer who was on her cell phone and not paying attention to the green light in front of her. The officer then gave the complainant a citation for excessive honking. The officer stated that the complainant was honking and screaming out of her window. The officer stated that the complainant admitted there was no emergency yet honked her horn anyway. The officer cited 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 #2: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officer said something to the effect of, "I'm the police. I can do whatever I want to do." The officer denied saying anything to that effect. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that the officer was looking at her cell phone and did not pull forward once the traffic light turned green. The officer stated that she was looking at the MVT/console in her patrol vehicle and did not miss the green lights as the complainant claimed. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to provide full attention to her duties.

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

FINDINGS OF FACT: Based on the complaint, the OCC alleged that the officer was using her personal cell phone and not paying attention to her duties. The officer stated that she was looking at her MVT/ console in the patrol vehicle for the purposes of law enforcement. 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 ALLEGATIONS #1 & 2: The officers discharged a weapon without justification.

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

FINDINGS OF FACT: The complainant stated that the named officers discharged their firearms at her son and shot him in the back without justification and that they claimed he had a gun when he was actually carrying only a cell phone.

The two named officers, Officer # 1 (# 1) and Officer # 2 (# 2) stated that they were checking for proof of payment aboard a stopped Muni streetcar at the 3rd and Palou Street station. Officer # 1 detained a man subsequently identified as the complainant's son, who could not produce proof of fare payment. Officers # 1 & 2 questioned the complainant's son on the platform. The complainant's son told them he had no identification and provided Officer # 1 with a name and a date of birth, which Officer # 1 wrote on a Field Interview Card¹. Officer # 1 began to run the name over his PIC radio. Before Officer # 1 could finish broadcasting, the complainant's son jumped from the platform to 3rd Street and ran into Mendell Plaza, towards Oakdale Avenue. Officer # 2 ran after the complainant's son, followed by Officer# 1. As the complainant's son ran through Mendell Plaza, he turned and fired one shot at the pursuing officers, who then drew their department issued handguns. Officers # 1 and # 2 stated they discharged their firearms at the complainant's son because he had used deadly force by firing a handgun at them and because he repeatedly turned as he ran and they believed he was going to shoot at them again. They believed that the complainant's son presented an imminent threat of death or serious bodily injury to them and to members of the public. Both officers stated that they ceased firing when the complainant's son fell to the ground on the sidewalk on the north side of Oakdale Ave. Officer # 1 immediately notified Communications that there had been an officer-involved shooting and requested an ambulance. Officers # 1 and # 2 approached the complainant's son, who was face down on the sidewalk with his hands not in view, with their guns drawn, and repeatedly ordered him to show his hands. A large and hostile crowd quickly gathered and numerous officers responded as backup.

The San Francisco Dept. of Emergency Management communications recordings confirm the two named officers' account concerning their radio communications.

¹ Confirmed by recovery of the Field Interview Card from Mendell Plaza

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SUMMARY OF ALLEGATIONS #1 & 2 Continued:

Civilian witness # 1 stated that he was driving a Municipal Railways bus and was turning onto 3rd Street when he saw the complainant's son running at a fast sprint with two uniformed officers running several feet behind him. Witness # 1 heard at least one gunshot. He looked up and saw the officer who was closest to the complainant's son draw his firearm, then heard additional gunshots. Witness # 1, who had focused his attention on the lead officer, did not observe whether the second officer had his gun drawn.

Civilian witness # 2 stated that he was on the sidewalk on the north side of Oakdale Ave. when he saw the complainant's son running through Mendell Plaza, pursued by two uniformed police officers. Witness # 2 saw the complainant's son turn and fire one shot in the direction of the officers, who then fired their handguns at the complainant's son until he fell to the sidewalk near where Witness # 2 was standing. Witness # 2 described the sound of the shot fired from the complainant's son gun as "like a firecracker. It must have been a baby gun."

Civilian witness # 3 stated that he saw the complainant's son turn and shoot at the officers as he ran. Witness # 3 heard the sound of the gunshot and saw the muzzle flash but did not see the gun itself. Witness # 3 saw the two officers shoot at the complainant's son and saw the complainant's son fall to the ground. At the end of his interview, Witness # 3 changed his story and stated that he did not see the complainant's son shoot at the officers but was told this by a friend who was next to him when the shooting occurred.

Civilian witness # 4 stated that he heard a gunshot, turned and saw the complainant's son running through Mendell Plaza pursued by two uniformed police officers. Witness # 4 saw the two officers start shooting at the complainant's son and saw the complainant's son fall to the ground. As the two officers approached the complainant's son, Witness # 4 heard them shouting that the complainant's son had a gun. Witness # 4 never saw the complainant's son with a gun and did not see the complainant's son fire at the officers. Witness # 4 picked up seven shell casings at the scene which he later gave to a uniformed officer he knew.

SFPD Crime Scene Investigators located, documented and recovered a bullet fragment that struck the neon sign of the "Dollar Store" at 4900 3rd Street (at Palou), which is south west of Mendell Plaza. This sign is located in the direction Officers # 1 and # 2 and Witnesses # 1 and 2 stated the complainant's son fired when he turned and fired one shot at the officers. The bullet fragment recovered at the scene was too fragmented to be matched to any firearm.

Two cell phone videos posted online by civilian witnesses at the scene showed a large crowd gathering around the complainant's son, who was lying on the sidewalk, and around the two named officers. In one of the videos, a man is seen picking up and taking a small handgun lying on the sidewalk near where the complainant's son fell.

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SUMMARY OF ALLEGATIONS #1 & 2 Continued:

This witness was subsequently identified and interviewed by SFPD Homicide inspectors. He stated that the gun was loaded with one bullet with an orange tip in the magazine. This witness stated that he sold the gun to a friend.

A confidential informant subsequently recovered the AMT brand .380 pistol that had been taken from the scene and turned it over to SFPD officers.

During the autopsy and necropsy of the complainant's son's body conducted by the San Francisco Medical Examiner's Office, they recovered a mushroomed .380 caliber bullet from the decedent's left maxilla, which had entered through a close-range penetrating gunshot wound of his right neck. Adjacent to this bullet was a piece of orange-red plastic. The Medical Examiner's office also recovered a .380 cartridge with a red/orange tipped bullet from the complainant's son's jacket pocket. The complainant's son's right hand tested positive for gunshot residue. The necropsy also documented a perforating gunshot wound to the complainant's son's outer lower left leg and a grazing gunshot wound to his outer left thigh. The Medical Examiner determined that the wounds to the complainant's son's leg were superficial in nature, would likely have been survivable and contributed minimally to blood loss. The Medical Examiner stated that the trajectory of the wounds to the leg could be consistent with the complainant's son being struck from behind as he was running, with his left leg in a raised position behind his body. The Medical Examiner also determined that the cause of death was the penetrating gunshot wound to the neck, which appeared to be self-inflicted based on the proximity of the weapon, the trajectory of the bullet path and the type of bullet recovered from the wound, which matched unused ammunition recovered from the decedent's pocket.

An examination by the SFPD Crime Lab of the bullet recovered from the decedent's maxilla region determined that it had been fired from the AMT .380 pistol stolen from the scene and later turned over to SFPD officers.

Evidence gathered at the crime scene and examined by the SFPD Crime Lab established that each of the named officers fired five shots from their department-issued handguns.

Surveillance video footage from a camera mounted on the rear of the Bayview Opera house captured portions of this incident, including the foot chase through Mendell Plaza, the shooting and the post shooting events. The video shows the deceased running into Mendell Plaza (the 1400 block of Mendell St. between Palou St. and Oakdale Ave., which is a pedestrian-only thoroughfare) from 3rd Street around the corner of the triangular-shaped building on the west side of the plaza and then running north-east on the west side of the plaza and across Oakdale Avenue.

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SUMMARY OF ALLEGATIONS #1 & 2 Continued:

The SFPD Shot Spotter system recorded ten gunshots fired at the location of this incident. The first shot it detected was fired at 16:41:59.3. The second shot was fired 1.9 seconds later, at 16:42:01.2. The last recorded shot was fired at 16:42:05.5, 6.2 seconds after the first recorded shot. The Acoustic Application Engineer who prepared the Shot Spotter report stated that there may have been more than ten shots fired but that he was only able to detect and locate ten shots with the available data from their sensors. He stated that under certain conditions, their sensors might not identify the sound of a shot fired by smaller caliber weapon as a gunshot. These conditions could include the direction the gun was facing in relation to their sensors, the presence of objects between the gun and the sensor and environmental conditions such as a strong wind. He also stated that if the gun was fired at close range its sound could be muffled. He explained that sensors located along the path of a projectile fired from a gun would record higher amplitude than sensors behind the path of travel. In reviewing the data from this incident, the engineer stated that the first pulse recorded (reflecting the first shot fired) had lower amplitude than subsequent pulses (reflecting other shots fired). He stated that this could be indicative of the first shot being fired by a smaller caliber weapon than subsequent shots, being fired in a different direction than other shots or being fired behind some sort of obstruction. It could also indicate this shot was muffled. The engineer checked audio data recorded by Sensor # 3 (which was not included in the report), located to the south of the incident. He found that it recorded three pulses, the first of which corresponds to shot # 1. He cautioned that this sensor recorded quite a bit of noise coming from a strong wind or an overhead aircraft so he could not reliably put a time stamp on this pulse and cannot state with certainty that it corresponds to shot # 1.

Physical evidence gathered at the scene and an examination of the two named officers' firearms established that they each fired five rounds from their Department-issued handguns. Physical evidence at the scene, the Medical Examiner's report and the statements of the named officers and of Witness # 2 established that the complainant's son fired two rounds from the AMT .380 handgun. One of those rounds entered the complainant's son's neck at close range while the gun was pointed in an upwards direction. Given the limitations of the Shot Spotter sensors, it is possible they did not identify the sound of this shot as gunfire. The Shot Spotter sensors also may not have identified the sound of the first shot fired by the complainant's son. This shot was fired in a south-westerly direction, opposite the direction of the shots fired by the named officers. The closest sensor to the south-west of the incident location, Sensor # 3, is approximately 400 meters away. This sensor did record a pulse that could correspond to the first shot fired. Witness # 1, who was closer than anyone else to the complainant's son when he fired at the officers, described the sound of this shot as "like a fire cracker. It must have been a baby gun." Named officer # 1 described the sound of the shot fired by the complainant's son as "a loud pop...a popping sound...it wasn't a loud boom," and stated that it was not as loud as the sound of a gunshot from the .40 caliber SFPD firearm. The Shot Spotter data also allows for the possibility that the shot fired by the complainant's son was recorded as Shot # 1 and that one of the subsequent nine recorded shots was two shots fired simultaneously by the two named officers.

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DATE OF COMPLAINT: 12/07/11 **DATE OF COMPLETION:** 04/01/13 **PAGE#** 5 of 7
SUMMARY OF ALLEGATIONS #1 & 2 Continued:

The statements of the two named officers, Communications recordings, a Municipal Railway surveillance camera video and physical evidence in the form of the partially completed field interview card found at the scene establish that the named officers detained the complainant's son on the Municipal Railway platform and that he suddenly jumped from the platform to the street and ran from the officers.

The statements of the two named officers and the surveillance video from the Bayview Opera House establish that the officers pursued the suspect along the west side of Mendell Plaza from 3rd Street towards Oakdale Ave. The officers' claim that the suspect turned and fired one shot at them is supported by the statement of Witness # 2. It is also supported by physical evidence: The suspect's right hand tested positive for gunpowder residue and the bullet fragment recovered from beneath the neon sign at 4900 3rd Street (along with freshly-broken neon tubing) was consistent with a gunshot fired in that direction from Mendell Plaza.

The results of the Medical Examiner's autopsy and investigation provided sufficient evidence to conclude that the shots fired by the named officers struck the complainant's son in the left leg and were consistent with his left leg being raised behind him as he ran. The Medical Examiner also determined that the cause of death of the complainant's son was a bullet fired at close range from under his neck, and forensic examination determined this bullet was fired by the complainant's son's gun.

The statements of the named officers and of witnesses at the scene, along with the Shot Spotter report and physical evidence established that the two named officers fired at the complainant's son only while he was running and that they stopped firing after he fell to the ground. The two named officers stated that after firing the first shot at them, the complainant's son repeatedly turned and look over his shoulder at them, causing them to believe he was going to turn and fire at them again.

A preponderance of the evidence proved that at the time they discharged their firearms, each of the named officers had reasonable cause to believe he and his partner were in imminent danger of death or serious bodily injury from the threat posed by the complainant's son, who was armed with a firearm he had fired at the officers. They also had reasonable cause to believe the complainant's son posed an imminent threat of death or serious bodily injury to members of the public because he had discharged a firearm on a public, pedestrian thoroughfare. The named officers' actions were in conformance with Department regulations and relevant laws. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, the acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that San Francisco police officers failed to provide first aid to her son after he was shot by officers and that officers at the scene prevented paramedics from reaching and treating her son in a timely manner.

The two officers involved in the shooting stated that the complainant's son, who had fired a handgun at them as they chased him, fell to the ground with his hands underneath him, and that they approached him with caution and with their guns drawn because they feared he was still armed and dangerous. They stated that they notified Communications of the shooting and requested an ambulance immediately after the complainant's son fell to the ground. Civilian witnesses confirmed that the officers approached the complainant's son cautiously and ordered him to show his hands.

The Shot Spotter report indicated that the last recorded shot was fired at 16:42:05.5, Department of Emergency Management communications records established that one of the two officers who pursued the complainant's son requested an emergency response of an ambulance at 16:42:08, two and one-half seconds after the shooting took place. The statements of officer at the scene as well as video evidence established that one of the first backup officers who arrived at the scene rendered first aid to the complainant's son. This officer stated that after locating the wound under the complainant's son's neck, he turned him onto his side to prevent him from choking on his blood and applied direct pressure to the neck wound.

Communications records established that medical and emergency personnel were dispatched to the scene at 16:43:38. Video evidence established that a large and hostile crowd quickly gathered around the two involved officers and the complainant's son, impeding access to paramedics. Communications records established that the first officers on the scene requested that multiple additional police personnel respond to deal with the large and threatening crowd and that numerous officers responded to the scene. Communications records established that at 16:44:00 emergency medical personnel informed Communications that they were two blocks from the incident scene and were told to remain at their location until the police could verify that it was safe for them to enter the incident scene. At 16:45:40, dispatchers informed emergency medical personnel of a safe path of approach to the incident scene. At 16:47:00, ambulance personnel reported that police officers were waving them into the incident scene and at 16:47:20, an SFFD truck reported it was at the incident scene. The SFFD Patient Care Report prepared

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SUMMARY OF ALLEGATION #3 Continued:

by paramedics aboard the ambulance stated that they were dispatched at 16:43, were at the scene at 16:46, transported the patient from the scene at 16:54 and arrived at San Francisco General Hospital at 16:58.

The evidence established that one of the first officers who arrived at the scene following the shooting rendered first aid to the complainant's son. The evidence also established that emergency medical personnel were on the scene within five minutes after the shooting, that they transported the complainant's son from the scene twelve minutes after the shooting and arrived at the hospital sixteen minutes after the shooting. The evidence also established that the arrival of emergency medical personnel at the scene was delayed by unsafe conditions due to the formation of a large and hostile crowd. This crowd was in close proximity when medical personnel arrived and were attending to the complainant's son at the scene. The evidence established that SFPD personnel rendered prompt first aid to the complainant's son and that officers did not prevent paramedics from reaching the complainant's son. The evidence proved that the acts alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #1-2: The complainant was detained without cause.

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

FINDINGS OF FACT: The complainant stated he was riding his bicycle on the sidewalk when he was detained. The officers stated that the complainant was detained for riding his bicycle on the sidewalk, which is unlawful in the City and County of San Francisco. The complainant was admonished for riding his bicycle on the sidewalk and released on the scene. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #3: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that the named officer told him to stay out of the area until the complainant cleared up three warrants that the named officer found in the system. The named officer stated that during a records check, he found three active traffic warrants for the complainant's arrest. The named officer stated that the complainant was admonished regarding the warrants and released at the scene. Additionally, the named officer stated he advised the complainant to remain out of the district until the complainant cleared up his warrants. While the named officer had the authority to admonish the complainant regarding his warrant, the officer did not have the authority to advise the complainant to remain out of the district. The officer's statement to the complainant about staying out of the district did not rise to a level of misconduct. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer made him stand for a long period of time even after the complainant had informed him that standing for a long period of time hurts his back. The complainant also stated that the officer intimidated him with jail and threatened him with physical violence if he saw him again in the area. The named officer and his partner denied the allegation. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said an officer engaged in harassment of her family members while they were exiting their car. The complainant failed to respond to requests for additional evidence. A poll of officers failed to identify the involved officers. There was insufficient evidence to identify the officer involved or to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said an officer behaved and spoke inappropriately to her family members, displaying a handgun and making an inappropriate comment when asked about why he was holding a gun on his lap. The complainant failed to respond to requests for additional evidence. A poll of officers failed to identify the involved officers. There was insufficient evidence to identify the officer involved or to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/08/13 **DATE OF COMPLETION:** 04/03/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer did not identify himself upon her request for his name. The named officer and another officer both stated that the officer provided the complainant with identifying information. The witness did not hear the complainant ask the officer for this information or hear the officers identify themselves. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately

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

FINDINGS OF FACT: The complainant stated she had just exited a shower and wanted to get dressed. She asked the officer to turn around for a minute so that she could get dressed. The complainant stated the officer refused to turn his back towards her while she dressed. The named officer and a witness officer both stated that for officer safety reasons and for the safety of the complainant, they could not turn around to allow her to dress. Officers are trained to keep suspects within their view at all times to protect the safety of all persons and to prevent suspects from escaping or gaining an advantage that would cause a safety issue. The evidence proved that the act alleged did occur, however, pursuant to Department policy and training the action was proper.

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

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

FINDINGS OF FACT: The complainant stated that she entered a residence hotel to shower. After she completed her shower, officers approached her. She climbed out a window and positioned herself on the window ledge by holding on with both hands, tucking her knees into her chest and balancing the balls of her feet against the building wall so that her torso remained level with the window frame. She stated the officer approached her, grabbed her by her wrist and flung her from the window causing her to fall four stories to the ground. The named officer and a witness officer denied the allegation. The named officer stated that the complainant climbed out a window and he rushed to assist her. When the officer reached the complainant, he grabbed her wrist but before he could get a firm grip on the complainant's wrist, she slipped from his grasp due to her wrist still being wet from the shower. A witness officer corroborated the facts provided by the named officer. A witness stated that he saw the complainant jump out of the window. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/06/13 **DATE OF COMPLETION:** 04/23/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/17/13 **DATE OF COMPLETION:** 04/30/13 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: In his written email, the complainant stated that he went to a police station to file a report about his stolen cellular phone. The complainant stated the officer whom he spoke with told him to do some detective work and to call the police only when he located the suspect. The complainant failed to come forward and provide a full statement to the OCC. The complainant failed to provide additional requested evidence.

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

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

FINDINGS OF FACT: During a brief phone call with the complainant he stated that a supervisor at the police station told him his case had recently been assigned to an investigator, but that the investigator had not yet made contact with the complainant. The complainant failed to come forward and provide a full statement to OCC. The complainant failed to provide additional requested evidence.