

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/13 **DATE OF COMPLETION:** 08/01/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was assaulted and robbed on the street and taken to a hospital but did not recall being interviewed by police. The following morning, the complainant returned to the scene of the assault and called the San Francisco Police Department. The complainant demanded that the two officers who responded secure possible video footage from surveillance cameras. The complainant stated that the officers, who remained at the scene for one to two hours, told him they were too busy to handle crimes of this nature. He also stated that they walked around the area and went inside a building with a surveillance camera mounted on its exterior. When they emerged, they told the complainant the surveillance camera did not work. The complainant admitted that at the time, he was “frantic” and “panicking” which may have affected the officers’ perception of him. The Department records established that officers responded to the assault, had the complainant transported to the hospital, interviewed him there and gave him a Reportee Follow-up Form with a case number. These officers also attempted to secure video footage from surveillance cameras at two establishments and were told one camera was not functioning and that a facilities engineer would have to check the other camera the following morning. The two named officers who responded to the complainant’s call the morning after the assault stated that they spoke with the complainant, who appeared to be upset. He had a follow-up form listing the number of the police report that had been prepared concerning the assault and robbery. They also stated that they attempted, without success, to secure footage from two surveillance cameras in the area. They stated that they suggested the complainant contact the Inspector who was assigned to his case. Communications records established that the officers were on the scene for over twenty minutes and that they informed dispatch that the complainant had a case number. Department records established that the complainant’s case was assigned to an investigator at the station who repeatedly attempted to contact the complainant at the phone number and address listed in the incident report without success. The evidence established that the two named officers responded to the scene and, although they were not responsible for conducting a follow-up investigation, they did conduct an investigation at the scene. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that one of the officers made inappropriate statements and engaged in inappropriate behavior but he could not specify which officer did this. The two officers who had contact with the complainant denied the allegation. There was insufficient evidence to identify the officer or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the Department failed to conduct an investigation into the crime of which he was a victim. Department records established that the complainant's case was assigned to an investigator at the station who repeatedly attempted, without success, to contact the complainant at the phone number and address listed in the incident report. Department regulations and procedures do not specify due diligence standards for investigators attempting to contact crime victims. The evidence established that the named officer made multiple attempts to contact the complainant and that absent written procedures concerning this, no Department regulations were violated. Therefore, 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: 01/11/13 **DATE OF COMPLETION:** 08/28/13 **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 that when he awoke, he saw the victim in his apartment and thought the victim was burglarizing the complainant's apartment. The complainant, who knew the victim, said he punched the victim in the face and told him to leave. The complainant said the victim called police and told police that the complainant had assaulted him, prompting police to arrest the complainant. The complainant alleged he was wrongfully arrested. The complainant did not provide an OCC interview.

Records indicate that police dispatch received an emergency 911 call, requiring police response to a Single Resident Occupancy building. The caller informed dispatch that someone's "head is open." The officers responded and spoke to the victim who identified the complainant as having assaulted him with an unknown tool. The officers investigated and found evidence establishing the complainant did assault the victim. The evidence consisted of a videotape, a trail of blood coming from the victim's apartment to the downstairs lobby, blood on the complainant's shoes and wheel chair, and other evidence. Based on the victim's statement and the evidence found, the officers had probable cause to arrest the complainant on various charges including assault. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-5: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant alleged the officers failed to properly investigate when they arrested him and charged him with assault. The complainant stated the victim, whom the complainant knew, was in the process of burglarizing his apartment when the complainant awoke. The complainant stated he was startled when he saw the victim. He stated he punched the victim in the face and told him to leave. The complainant questioned why the officers arrested him and not the victim.

The investigation determined that a third party called police dispatch and said that a victim had been assaulted. Police responded and gathered evidence, which indicated the complainant had committed the assault. They did not find any evidence of the complainant's apartment having been burglarized, and the complainant could not describe what items were stolen. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #6-7: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated he explained to the officers that the victim had entered the complainant's apartment without his (complainant's) consent and was in the process of burglarizing his apartment when the complainant awoke. The complainant stated that while he was presenting his version of this incident, the officers told the complainant to keep his mouth shut because he (complainant) was nothing but a criminal. The officers denied the allegation. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: During the investigation, the OCC alleged that the officer failed to provide the complainant with his Miranda warnings prior to his arrest. However, the officer provided an audiotape recording of his (the officer's) admonishment of the Miranda warning to the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF OCC ADDED ALLEGATION #2: The officer searched the complainant's apartment without cause or consent.

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

FINDINGS OF FACT: During the investigation the OCC alleged that the officer searched the complainant's apartment illegally. The officer stated the complainant gave him both verbal and written consent to search the apartment. The officer provided a "Permission To Search" form bearing the complainant's signature and an audiotape recording of the complainant's verbal consent allowing his (complainant's) apartment to be searched. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 01/18/13 **DATE OF COMPLETION:** 08/22/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: When the complainant, a San Francisco resident, had her car stolen, she provided both her work and cellular telephone numbers to the officer who took the report. The reporting officer incorrectly wrote the complainant's cellular telephone number's area code in her report. When the complainant's car was subsequently recovered, the Department of Emergency Services was unable to contact the complainant. The complainant's car was towed, causing the complainant to incur storage fees. Several days later the complainant's insurance company notified her that the police department had recovered her vehicle. The complainant provided SFPD a written request for Supervisors Review of Towing and Refund of Tow Fees that explained the officer had incorrectly written the complainant's cell number in the incident report and requested waiver of the tow and storage fees in light of the officer's error. The SFPD denied the complainant's request for waiver of the tow and storage fees. The complainant filed a civil claim with the City's Controller's Office and was ultimately reimbursed for the tow and storage fees. The OCC recommends that SFPD's rules concerning supervisor's review of towing and refund of tow fees be reviewed to determine whether SFPD has the discretion to refund tow fees in circumstances such as in the instant case where the complainant was a crime victim who resided in the city.

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

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

FINDINGS OF FACT: The complainant was assaulted at a nightclub, prompting numerous officers to respond to the scene. The complainant alleged that one of the responding officers was extremely rude, repeatedly telling the complainant and his friend to shut up. The named officer and his partner denied the allegation. Witnesses interviewed by the OCC provided insufficient evidence to either prove or disprove the allegation.

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

SUMMARY OF ALLEGATIONS #2 & 3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant was assaulted at a nightclub, prompting numerous officers to respond to the scene. The complainant alleged that the named officers failed to locate the suspect, who had already left the scene prior to the officers' arrival.

The named officers denied the allegation and said that by the time they arrived on the scene, the suspect had already left. The officers prepared an Incident Report as required, documenting information gathered during their investigation.

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

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

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

FINDINGS OF FACT: The complainant and his wife both stated the officer insinuated the complainant was a liar, made an inappropriate comment to a passenger, and retaliated by issuing a citation to the complainant after he asked for the officer's identification number. The officer and a witness officer denied the allegation. Two other witnesses on scene did not respond to OCC's multiple requests for an interview. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/01/13 **DATE OF COMPLETION:** 08/07/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he wanted to stay in his vehicle to sign the citation and to provide a thumbprint, but the officer ordered him to exit his vehicle to sign the traffic citation and obtain the thumbprint. The complainant stated the officer did this to intentionally embarrass him in front of a nearby news camera crew.

The officer denied the allegation. The officer stated that the citation was not just a traffic citation and that he needed to obtain a thumbprint from the complainant in order to properly complete the citation. The officer stated that he needed the complainant to exit the vehicle in order to complete the citation process so that he could explain the citation and the court process to the complainant. Furthermore, the officer stated that he had the complainant exit the vehicle so there would be better lighting and a flat surface for the officer to obtain the thumbprint. The officer further stated that it is an officer safety issue for him to have someone remain in a vehicle when taking a thumbprint because he cannot always see into the vehicle due to his height.

There was insufficient evidence to either prove or disprove that the officer's intent was to embarrass the complainant. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he filed a supplemental report regarding his hit and run accident with the SFPD but there has been no follow up. In addition, he stated that the Hit and Run section does not answer their phone and has not returned the numerous messages he had left. The complainant has not responded to the numerous requests to contact the OCC for an interview. The complainant has failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #2: 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 San Francisco Police Department Internal Affairs Division.

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DATE OF COMPLAINT: 02/25/13 **DATE OF COMPLETION:** 08/13/13 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated that she went to Southern Station to file a supplemental incident report. She denied having any conversation with the officer other than requesting a supplemental statement form, and then turning it in upon completion. The complainant stated that when she later obtained a copy of the supplemental incident report, the officer had included a narrative in which he portrayed her as incoherent and rambling. The complainant denied this portrayal of herself and did not feel that the report was accurate. The named officer denied the allegation, stating that he wrote in his report exactly what had occurred when the complainant came to the Southern Station window. No witnesses were located during the course of the investigation. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the narrative in the supplemental incident report that she filed was not true. Further she was upset that her address and phone number, written on the supplemental statement form, were not updated on the 1st page of the report. The complainant wanted the Reviewing Officer from the report to be held accountable for these errors. The named officer denied the allegation. He confirmed that he reviewed the report and he described his review as a general review of spelling and grammar in preparation for submission to the watch commander. He denied being present when the reporting officer spoke to the complainant, stating that his review is based on the information obtained by the reporting officer. No witnesses were located during the course of the investigation. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she went to the Southern Station to file a supplemental statement on a previously written incident report. She stated that upon completing her statement, she asked the officer for a copy. She stated that he was rude to her, refusing to provide her with a copy and that he instructed his Police Service Aide [PSA] to also not make copies for the complainant. The officer and the PSA denied the allegation, stating that the complainant was told that copies could not be provided until the report had been processed, but that she could pick up a copy of the report along with her supplemental statement within 7 days. No other witnesses were located during the course of the investigation. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/19/13 **DATE OF COMPLETION:** 08/06/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: A sergeant stated the complainant telephoned the Department and left his name and number for a Deputy Chief. The complainant told the sergeant his car was towed for a hit and run. The sergeant told the complainant how to make an OCC complaint. The sergeant stated the complainant did not want to make an OCC complaint, he just wanted his car released to an authorized person. The sergeant stated he transferred the complainant to the Hit and Run Division. The sergeant wrote this information on an OCC complaint form and forwarded it to the OCC.

According to Department and court records, the complainant was arrested and his car was towed. Upon release from custody, he left San Francisco and was subsequently arrested in El Dorado County. The OCC contact attempts were unsuccessful. His current whereabouts are unknown. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATIONS #2-3: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: A sergeant stated the complainant telephoned the Department and left his name and number for a Deputy Chief. The complainant told the sergeant two officers assaulted him and his car was towed. The sergeant told the complainant how to make an OCC complaint. The sergeant stated the complainant did not want to make an OCC complaint, he just wanted his car released to an authorized person. The sergeant wrote this information on an OCC complaint form and forwarded it to the OCC.

According to the incident report, the complainant assaulted an officer with a closed fist and then struck a patrol car with his vehicle. The complainant violently resisted arrest and was pepper sprayed. According to court records, the charges were dismissed. The OCC contact attempts were unsuccessful. His current whereabouts are unknown. The complainant failed to provide additional requested evidence.

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DATE OF COMPLAINT: 03/22/13 **DATE OF COMPLETION:** 08/26/13 **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: The officer has retired and is no longer available and subject to Department discipline.

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SUMMARY OF ALLEGATIONS #1-3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated she worked as an in-house caregiver. She had a client who lived in the tenderloin area. The complainant said she left her client's apartment and went to a store to buy supplies. When she came out of the store, the officers arrested her for violating a stay away order. The complainant stated that one week later, two of the three same officers arrested her again for the same violation while buying an ice cream in a store. The complainant alleged that both arrests were without cause. San Francisco court records and the complainant's criminal records show that there was an active stay away order at the time of the complainant's arrests. The evidence shows that the officers had probable cause to arrest the complainant. As such, the evidence proved that the act, which provided the basis for the allegations, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATIONS #4-6: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant alleged that she was being harassed by the officers. The officers denied the allegation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer's body language was such that she could tell he did not take her complaint seriously and said he was laughing during the incident even though there was nothing funny. When she confronted him, he told her he was laughing at the television program she was watching but she stated it was not a comedy. The officer denied the allegation. No witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2 & 3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officers told her that she could not file a police report on the information she had provided and were preparing to leave until she requested a supervisor. The officers then took the report but did not take action against the suspect. The officers denied the allegation. The officers stated that the complainant was unable to provide enough evidence at the time for an arrest. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer used profanity while speaking to the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer used profane language when she called to get an update on the investigation. The officer denied the allegation. No witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer was not following protocol when he failed to seize the suspect's computer to investigate her case and has not made an arrest. The officer stated that the evidence the complainant provided was not enough to move forward in obtaining a search or arrest warrant and that the case was inactivated until there are more leads. The chrono documents that the officer contacted and interviewed the suspect and that the case is inactivated until there are further leads. Per DGO 2.01 Rule 5. Performing duties, the officer has inactivated the case, which is the protocol when there are no other leads to take action. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #1: The officer brandished a weapon without cause.

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

FINDINGS OF FACT: The complainant stated he was sitting in a semi-secluded area in a city park with his service dog reading a book. The complainant stated that his service dog was off leash. The complainant said he heard someone coming from behind him, which caused his dog to start barking and wagging its tail as his dog approached the person, later identified as the named police officer. The complainant stated the named officer drew his weapon and pressed his gun on the dog's forehead. The officer refused to lower his gun despite being told that his dog was a service animal. The named officer and his partner denied the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer made an inappropriate comment. The complainant stated that while the named officer had his gun on the dog's forehead, the named officer said, "Get your damn dog on a leash before I shoot it." The named officer and his partner denied the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers ordered him to leave the park without a valid reason. The officers denied the allegation. The officers stated they advised the complainant of certain city codes in the park and to keep the area clean. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he asked the officers what the incident was all about and the officers refused to answer him. The officers denied the allegation. The officers stated they told the complainant they received a call regarding a fight in the area. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated he cited the complainant for failing to stop at a stop sign. The complainant denied the violation. No witnesses were identified. 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 was “mean and rude” towards her. The officer denied the allegation and said that he was professional and respectful during the traffic stop. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-2: The officers behaved inappropriately and/or made inappropriate comments

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

FINDINGS OF FACT: The complainant stated he called the police after seeing the suspect who had stolen a cell phone from the complainant's store. The complainant stated that the responding officers, later identified as the named officers, behaved inappropriately by detaining the wrong person. The complainant also stated the named officers treated him as if he was a criminal. The officers stated there was urgency on their part to locate the suspect, but they were professional to the complainant all throughout the contact. The officers could not recall detaining anyone associated with the alleged crime. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer drove improperly.

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

FINDINGS OF FACT: The complainant alleged that the officer drove his vehicle improperly. The named officer and his partner denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he is a security guard and was inside a restaurant to eat. A man inside the restaurant was inebriated and the two had a verbal exchange. As the complainant sat down to eat, an officer approached him and ordered him to leave the restaurant for no reason. The officer stated that a man outside the restaurant told him that the complainant had threatened him. There was also a 911 call that the complainant had threatened someone. The officer ordered the complainant to leave the restaurant because he stated the management asked the officer to do so. The restaurant was unable to provide any further information. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that he is a security guard and regularly interacts with police officers at Mission Station. Because he has filed complaints against numerous officers, he believes that officers at Mission Station do not like him. He was eating at a restaurant and an officer came in and ordered him to leave the restaurant and the complainant stated that this was retaliation. The named officer stated that the complainant is known but the reason he was ordered to leave was not for retaliation, but because the restaurant manager asked the officer to do so. 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 made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated an officer came up to him and said something to the effect of, "What's your problem?" The officer denied saying this. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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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 August 6, 2013.

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

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

FINDINGS OF FACT: The complainant stated he went to a police station to report a crime. The complainant alleged that the named officer behaved inappropriately and made inappropriate comments toward him. The named officer denied the allegation and described his demeanor towards the complainant as polite and professional. The named officer denied yelling or raising his voice as alleged by the complainant. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/13 **DATE OF COMPLETION:** 08/26/13 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer cited him for no reason. He stated he moved to the bus lane to let another car pass him but then returned to the regular lane. He also stated that he did have current insurance, and that he was not wearing the earphones but had them around his neck. The officer stated he observed the complainant driving in a transit lane and wearing a headset and that he failed to provide proof of insurance. No witnesses were identified. There was insufficient evidence to 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 the officer did not explain the reason for the stop and only asked for his information. The officer denied the allegation. No witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/13 **DATE OF COMPLETION:** 08/26/13 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant believed the officer racially profiled him. The officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officer denied the allegation. No witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/13 **DATE OF COMPLETION:** 08/15/13 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that she was arguing with a female acquaintance and the woman sprayed mace on the complainant's shirt. When the complainant's fiancé tried to intervene, the woman also sprayed him with mace. The complainant stated a nearby officer walked over. The complainant stated she told the officer she wanted to press charges and wanted a police report. She stated the officer said no to both requests and advised both parties to leave. The officer complied with the complainant's request for his name and badge number.

The complainant's fiancé stated both he and the complainant were sprayed with mace. An officer approached on foot and the complainant told the officer she wanted to press charges against the woman who sprayed them with mace. The officer said the best way to handle the situation was to "walk away." The complainant's fiancé further stated the officer gave the complainant his name and badge number and told the complainant to go to a police station and make a report. The complainant and her fiancé then went to a police station and made a report.

The officer who took the complainant's OCC complaint at the station stated the complainant and her male companion did not display any visible signs – or the very distinct odor – of having been pepper sprayed. He stated he did not speak to the complainant's companion, and the companion did not complain of being pepper sprayed. The officer stated the complainant did not request medical assistance.

The named officer stated the complainant and her fiancé had no visible signs of being pepper sprayed, e.g., red, watery eyes or the distinctive strong odor of pepper spray. He stated the complainant did not tell him she wanted to press charges against the other woman and did not ask for a police report. He stated the complainant only asked for his name and badge number and he gave that information to her. He denied telling the complainant to go to a police station to make a report.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/13 **DATE OF COMPLETION:** 08/30/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she was detained for no apparent reason. The officer denied the allegation. The officer stated the complainant was detained and subsequently cited for illegally camping at a park, which the complainant denied. No other 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 made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer behaved inappropriately and/or made inappropriate comments during her detention. The named officer and a witness officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/13 **DATE OF COMPLETION:** 08/30/13 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer shoved her. The named officer and a witness officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer issued a citation without justification.

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

FINDINGS OF FACT: The officer stated that the complainant was cited for illegally camping at a park. The complainant denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/13 **DATE OF COMPLETION:** 08/30/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer seized and searched the complainant's personal property.

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

FINDINGS OF FACT: The complainant stated the officer grabbed her wallet out of her backpack when she was getting her cellular phone out to record the incident. The complainant admitted her wallet was in plain view as her backpack pocket was wide open, but she did not give the officer any permission to seize and view her wallet. The named officer and a witness officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/31/13 **DATE OF COMPLETION:** 08/16/13 **PAGE#** 1 of 1

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 submitted a written complaint alleging that the named officers illegally arrested him. The complainant has not responded to OCC's request for an interview. Department records show that the complainant was arrested by the named officers on an outstanding warrant, confirmed by the Central Warrant Bureau. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/13 **DATE OF COMPLETION:** 08/16/13 **PAGE #**1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 5, 2013.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 5, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/13 **DATE OF COMPLETION:** 08/28/13 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 14, 2013.

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

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

FINDINGS OF FACT: The complainant filed a counter report concerning a battery. She provided a statement to the OCC investigator that closely resembled the narrative written by the officer. The officer captured the relevant data regarding the incident, identified the parties, the alleged crime committed, coded it correctly, provided the complainant with a victim of crime follow-up form. The officer also documented additional relevant information about the alleged suspect that was forwarded to appropriate licensing databases. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/13 **DATE OF COMPLETION:** 08/28/13 **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: Part of the complainant's complaint raises matters outside OCC's jurisdiction. The complainant's complaint against the Public Service Aide (PSA), a civilian employee of the San Francisco Police Department (SFPD), has been referred to the San Francisco Police Department Internal Affairs Division.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/13 **DATE OF COMPLETION:** 08/21/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was sitting in the back seat of his car while his mother was driving when he was detained. One of the named officers stated that he was in plain clothes and detained the complainant for suspected narcotics activity just a few minutes prior to his detention. This officer stated the complainant is well known for his illegal narcotics activity in that area. The second named officer stated he was in plain clothes but had no contact with the complainant. He stated the complainant was detained at the request of two uniformed officers. The third named officer stated the complainant was detained to issue him a citation. This officer stated the complainant is a known narcotics dealer in the area. There were no available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was cited for not wearing a seat belt, which the complainant denied. The named officer stated he cited the complainant at the request of his Field Training Officer, who witnessed the offense. The Field Training Officer stated the complainant was detained for purposes of issuing him a citation. There were no available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/13 **DATE OF COMPLETION:** 08/28/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 20, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/13 **DATE OF COMPLETION:** 08/16/13 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 30, 2013.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 30, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/13 **DATE OF COMPLETION:** 08/30/13 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 27, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/20/13 **DATE OF COMPLETION:** 08/27/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in biased policing, due to race.

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

FINDINGS OF FACT: In his written complaint, the complainant stated, in part, that he observed an incident of biased policing involving an officer who questioned an African American man without justification. The complainant failed to come forward and provide a statement to the OCC. An officer identification poll did not reveal the identity of any involved officer. The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/13 **DATE OF COMPLETION:** 08/16/13 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated he was exiting a car wash place when a black Mercedes sped up behind him. The driver of the Mercedes yelled that she was a cop and asked the complainant to pull over. Through his rear view mirror, the complainant stated he saw the driver following him and taking photos of the complainant's vehicle. The complainant could not describe the driver but was able to get the vehicle's license plate.

The OCC contacted the California Department of Motor Vehicles (DMV) and provided DMV with the license plate. The DMV told the OCC that the license plate did not exist, or that there was no record of the license plate provided by the complainant.

No witnesses were provided. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/13 **DATE OF COMPLETION:** 08/30/13 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 27, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/13 **DATE OF COMPLETION:** 08/28/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that a man removed his underwear in front of Bill Graham Civic Center Auditorium, exposing his “private parts.” The complainant stated she approached several SFPD officers standing on the corner of Polk and McAllister Streets and told them about what she had observed, but the officer she spoke to did not say or do anything in response.

The San Francisco Police Code section 154(b) states, in part, “A person may not expose his or her genitals perineum, or anal region on any public street, sidewalk, street median, parklet, plaza, or public right-of-way....” Section C.2., states, in part, “The provisions of this chapter shall not apply to...any permitted parade, fair, or festival held under a City or other government issued permit.”

The OCC’s investigation established that the above event was the Pink Saturday event, a permitted event. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/13 **DATE OF COMPLETION:** 08/21/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he did not make a “wrong turn” and should not have been cited.

The officer stated the complainant suddenly swerved into his lane, nearly causing a collision. He cited the complainant for making an unsafe lane change.

The officer’s partner did not recall any details of this incident.

There were no other witnesses. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/13 **DATE OF COMPLETION:** 08/30/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she telephoned her district station regarding a safety condition in her apartment. The officer referred the complainant to another city agency. The complainant was dissatisfied with the officer's referral and called the station several more times. The complainant stated the officer(s) told her that the next time she called, they would come out and place her under arrest. The complainant stated she could not identify the person she spoke to at the station. The OCC conducted an Officer Poll, with negative results. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/13 **DATE OF COMPLETION:** 08/28/13 **PAGE #1** of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 20, 2013.

SUMMARY OF ALLEGATION #2: The officer failed to make an arrest.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 20, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/13 **DATE OF COMPLETION:** 08/23/13 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3-4: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 20, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/12/13 **DATE OF COMPLETION:** 08/16/13 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 9, 2013.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 9, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/13 **DATE OF COMPLETION:** 08/30/13 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant requested to withdraw the complaint. The complainant stated her request to withdraw the complaint was voluntary and without the influence of duress or coercion.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/13 **DATE OF COMPLETION:** 08/07/13 **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:

Department of Emergency Management
1011 Turk Street
SF CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/13 **DATE OF COMPLETION:** 08/15/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that his property was not returned to him after he was released from an involuntary detention at San Francisco General Hospital in 2008. The allegation raises matters outside OCC's jurisdiction. The case has been referred to:

San Francisco General Hospital
ATTN: Patient Advocate
1001 Potrero Avenue
San Francisco, CA 94110

SUMMARY OF ALLEGATION #2: The San Francisco Police Department detained the complainant without justification.

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

FINDINGS OF FACT: This allegation was previously investigated by the OCC.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/13 **DATE OF COMPLETION:** 08/15/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The San Francisco Police Department used excessive force.

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

FINDINGS OF FACT: This allegation was previously investigated by the OCC.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/13 **DATE OF COMPLETION:** 08/20/13 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/02/13 **DATE OF COMPLETION:** 08/07/13 **PAGE #1** of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/05/13 **DATE OF COMPLETION:** 08/26/13 **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:

US Park Police
San Francisco Field Office
1217 Ralston Avenue
San Francisco, CA 94129

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/13 **DATE OF COMPLETION:** 08/16/13 **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. The complaint has been referred to:

Citywide & Community Focus
982 Mission Street
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/05/13 **DATE OF COMPLETION:** 08/26/13 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/08/13 **DATE OF COMPLETION:** 08/12/13 **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:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/09/13 **DATE OF COMPLETION:** 08/27/13 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The 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. The complaint has been referred to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/13 **DATE OF COMPLETION:** 08/20/13 **PAGE #1** of 1

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

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

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

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue – Room 350
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/13 **DATE OF COMPLETION:** 08/27/13 **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:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/13 **DATE OF COMPLETION:** 08/27/13 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/13 **DATE OF COMPLETION:** 08/28/13 **PAGE #1 of 1**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/06/12 **DATE OF COMPLETION:** 08/30/13 **PAGE #** 1 of 6

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

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

FINDINGS OF FACT: The complainants stated they were not involved in a domestic violence incident and that the officer arrested the co-complainant without cause. The complainants stated they were in their car driving to a rehearsal and discussing which route to take to their destination. The co-complainant was the driver and the complainant sat in the passenger front seat. The complainants stated while driving through an intersection a truck was seen stopped ahead of their car, which caused the co-complainant to make an abrupt stop within the intersection. At that point, the co-complainant stated he pointed his right hand towards the northbound cross street and told the complainant he should have gone in that direction.

The officer denied the allegation. The officer stated he observed a vehicle driven by the co-complainant suddenly come to an abrupt stop in the middle of the intersection for no apparent reason while travelling on a green light. The officer stated he then observed the co-complainant strike the complainant with his right elbow to the left side of the complainant's face. The officer stated the force of the elbow strike caused the complainant to drop his head and shoulder down past the window's lower edge. The officer said he had a clear unobstructed view of the complainants in their vehicle while he was stopped at a traffic light directly in front of their location approximately 25 feet away. The officer stated he stopped the co-complainant for impeding the flow of traffic and to investigate the on-view battery on the complainant. The officer stated he investigated the incident, concluded that the complainant was a victim of domestic violence and placed the co-complainant under arrest. The supervising officer responded to the scene and corroborated the officer's account of his observations. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants stated the officer failed to properly investigate the incident, which resulted in subsequent unwarranted actions. The officer denied the allegation. The officer stated he made a traffic stop on the co-complainant for a vehicle code violation and to investigate the on-view battery on the complainant.

The officer stated he requested identification from the complainants, then separated and interviewed them both. The officer said he asked the complainant if he needed medical attention, but the complainant declined medical assistance. The officer said the complainant became uncooperative during the investigation and he called a supervisor to the scene, as the complainant requested. The named officer said based on his investigation, he determined the complainant was a victim of a domestic violence battery. The officer arrested the co-complainant and advised him of his Miranda Rights.

The officer stated he attempted to gather additional information from the complainant, but the complainant refused to cooperate, demanded his identification be returned to him and walked away from the scene. The officer continued his domestic violence investigation at the station, completed all the relevant domestic violence forms, booked the evidence and contacted a Judicial Officer who granted an Emergency Protective Order against the co-complainant.

The officer and his supervisor stated the incident report was properly completed and contained the elements of the offense. The officer stated the report was referred to the appropriate units for follow-up investigation. The supervisor stated he spoke with the complainant and asked him questions relevant to the investigation. The supervisor corroborated that the complainant was uncooperative with the investigation and left the scene prior to the completion of the investigation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/06/12 **DATE OF COMPLETION:** 08/30/13 **PAGE #** 3 of 6

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

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

FINDINGS OF FACT: The complainant stated the officer did not provide him with the required victims' domestic violence documents. The complainant stated that he would not cooperate with the investigating officer, and left the scene prior to the completion of the investigation. The complainant was adamant that he was not a victim or a witness of the alleged domestic violence incident.

The officer stated he was unable to provide the required domestic violence forms to the complainant due to the complainant's uncooperative demeanor. The officer said that during the investigation, the complainant refused to cooperate with the investigation, was visibly hostile, would not provide his identification, and refused to communicate with the officer. The officer stated his supervisor responded to the scene and spoke to the complainant regarding the investigation. When the officer attempted to speak with the complainant again, the complainant told him that his supervisor had told him he was free to go, to hand him his license and to let him leave; that he was not a victim and was not a witness to a crime. The supervisor corroborated that he informed the complainant that he was free to leave and the complainant walked away from the scene prior to the completion of the domestic violence investigation. The evidence proved that the acts alleged in the complaint did occur, however, the officer was not culpable for the acts and/or omissions in the allegation.

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

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

FINDINGS OF FACT: The complainants stated the officer had their car towed because it was parked illegally. The co-complainant said he pleaded with the officer to either park the car in a nearby parking space, to give the keys to the complainant or to call the registered owner. The co-complainant wrote that he pulled his car over for the traffic stop at a bus stop at the corner. The officer denied the allegation.

The officer stated the vehicle was a partial hazard in the lane, there were no available legal parking and the co-complainant had been placed under arrest. The supervisor at the scene corroborated he approved the arrest tow and there was no legal parking available. The evidence showed the vehicle was registered to a party not at the incident. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to provide medical attention.

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

FINDINGS OF FACT: The complainant stated the officer did not ask him if he needed medical attention or to assess if he had any injuries from the alleged battery. The officer denied the allegation. The officer said he visually observed the complainant for injuries, and asked if the complainant needed medical attention, to which the complainant declined. The officer stated he did not observe any lacerations, bruising or redness on the complainant's face from being struck by the co-complainant's elbow. The officer stated based on his training as a police officer and as a former trained EMT (emergency medical technician), injuries are not always so quickly visible after the mechanism has occurred. One of the witness officers stated he heard the named officer offer the complainant medical assistance. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainants stated the officer caused the issuance of an invalid emergency protective order. The officer denied the allegation. The officer stated he arrested the co-complainant for a domestic violence charge, to which his Department required that he contact a judge to see if an emergency protective order would be issued. The officer made contact with a Judicial Officer of the Superior Court of San Francisco and the emergency protective order was signed by the judge and served on the co-complainant. The order was in effect for five (5) days following the date of the incident.

The evidence documented that the emergency protective order was valid and granted by a Supreme Court Judicial Officer. Based on the officer's observations, his actions in obtaining an emergency protective order was within Department policy guidelines to protect the alleged victim in the incident. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #7: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainants stated the officer made inappropriate comments during the detention. The officer denied the allegation. The officer stated he advised the complainant that he was within his rights to request his identification. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The sergeant failed to properly supervise.

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

FINDINGS OF FACT: The complainant stated he requested a supervisor to respond to the scene. The complainant stated the supervisor did not comply with his wishes to disallow the investigating officer from speaking with him. The supervisor denied the allegation. The supervisor said he was unaware that the complainant no longer wished to speak with the investigating officer. The supervisor stated he first spoke with the investigating officer and then talked to the complainant about the investigation of the incident in the car.

The supervisor said he asked questions of the complainant relevant to a domestic violence investigation and advised him they had determined he was a victim of a domestic violence. The supervisor said he explained the process of the investigation to the complainant and answered his questions of whether he was being detained or was free to leave. The supervisor stated, at that point, the complainant became uncooperative and stated he no longer wanted to talk with the officers and walked away from the scene.

The supervisor said he absolutely attempted to intervene and mediate the situation. The investigating officer corroborated that the supervisor responded to the scene as he had requested and talked to the complainant about the investigative process. The investigating officer said he approached the complainant for additional information. However, the complainant refused to answer his questions, asked for his identification back and left the area. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer's comments and behavior were inappropriate.

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

FINDINGS OF FACT: The complainant stated the supervisor was adversarial, flippant and "stonewalled" him. The supervisor denied the allegation. The supervisor said the complainant wanted to have an emergency protective order issued in his case be rescinded through the courts. The supervisor stated she was unable to call the complainant back because he refused to provide a call back phone number. The supervisor said during the complainant's last call to the office, he screamed into the phone that he was going to hurt himself and disconnected the call. The supervisor stated she immediately called dispatch to report the complainant's suicidal threat and the district police station followed up on the complainant's threat. The evidence showed the original teletype sent from the supervisor indicated NFI (no further information), however, the complainant did provide the case number. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The supervisor failed to take an OCC complaint.

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

FINDINGS OF FACT: The complainant stated he told the supervisor that he wanted to file a complaint about her. The complainant stated the supervisor told him that no one was available and he would have to file the complaint directly with her. The supervisor denied the allegation. The supervisor stated the complainant never stated he wanted to file a complaint against her, but rather that he wanted to speak with her supervisor. The supervisor stated she informed the complainant that her superior was unavailable and out of the office in meetings. The supervisor said if the complainant had indicated that he wished to file a complaint against her, she would have advised him of the process on making the complaint. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/14/12 **DATE OF COMPLETION:** 08/29/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that officers detained him after he attempted to carjack a vehicle. He could not identify the officers. The named officers stated the complainant fled from police after he attempted to carjack a vehicle. They each stated they ran after the complainant and detained him. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that officers handcuffed him after he attempted to carjack a vehicle. He could not identify the officers. The named officer stated the complainant fled from police after he attempted to carjack a vehicle. He further stated he ran after the complainant and handcuffed him. The officer could not recall the identity of the officer who assisted him. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 09/14/12 **DATE OF COMPLETION:** 08/29/13 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he was assaulted while he was attempting to carjack a vehicle. He stated this assault was not documented in a police report. He stated he did not ask any officer to prepare a report. He stated he was “messed up” on drugs during this incident. His statements in his OCC interview were inconsistent.

Paramedic records stated the complainant was verbally abusive to paramedics, and told hospital staff he did not want to file a police report. Hospital records state the complainant appeared intoxicated and stated twenty guys trying to steal his shoes assaulted him. At a subsequent hospital, the complainant told staff five men assaulted him.

Two male officers who detained the complainant stated the complainant refused to answer questions and was in an altered mental state. A female officer stated the complainant was placed in her patrol car. When he complained of injuries, she called for an ambulance. She stated the complainant did not ask for a police report and refused to provide her any information. This officer documented this contact in a “K” comment in Computer-Aided Dispatch.

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

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DATE OF COMPLAINT: 09/24/12 **DATE OF COMPLETION:** 08/06/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said he was detained outside the sports park after his friend was ejected. The complainant said he got into an argument with a security guard about a refund of his ticket and requested to speak with a police officer. The complainant stated he approached the officer to discuss the issue of his ticket. The named officer stated he was stationed near the east gate of the sports park when a park agent requested his assistance. The officer ran to the location where he observed the complainant and the complainant's friend verbally challenging a park agent in a combative and intoxicated manner. The officer said he grabbed the complainant's arm and advised him to calm down. The officer stated the complainant was detained because he had been ejected from the sports park and the officer needed identification from the complainant to complete a Department ejection/police activity form and for the security report. An usher witness stated that he and an unidentified security guard ejected the complainant and his friend after receiving numerous complaints about their unruly conduct from other guests. A security guard recalled that she asked the named member for assistance because the complainant was giving security a hard time and refusing to leave the area. The security guard could only recall seeing the named member talking to the complainant. There was no further incident and the man left. The evidence proved that the acts, which provided the basis for the allegations occurred: however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant said the officer used profanity towards him during their interaction at the sports park. The officer denied that he used the alleged profane language. A security guard recalled asking the named member for assistance because the complainant, who had been ejected, was giving security a hard time and refusing to leave the area. The security guard could only recall seeing the named member talking to the complainant and denied hearing the alleged profanity. The security guard said she did not hear the conversation 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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SUMMARY OF ALLEGATION #3: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments during their interaction at the sports park. The officer denied making the alleged comments. A security guard recalled asking the named member for assistance because the complainant was giving security a hard time and refusing to leave the area. The security guard could only recall seeing the named member talking to the ejected man and denied hearing or seeing any of the alleged behavior. The security guard said she did not hear the conversation 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: 09/25/12 **DATE OF COMPLETION:** 08/01/13 **PAGE #** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he was detained for no reason. The complainant stated he was walking out of a liquor store with his two male friends in the Tenderloin area when the officer told them to wait there and to place their hands on the wall. The complainant said he asked the officer why they were being detained and told the officer they had done nothing wrong.

The officer denied the allegation. The officer stated he heard dispatch broadcast a theft of iPads at a nearby location. Dispatch described the suspects as a Caucasian male and an Asian male, 28-30 years old, wearing a baseball cap and carrying a dark blue backpack. He was advised that the caller was tracking the iPads to an area in his patrol sector. The named officer saw three individuals walking in the vicinity of the "tracking" area. The officer noticed that the complainant and the witness bore a similar description to the suspects. The complainant is Asian with a black backpack and the witness wore a baseball cap. The officer followed the three individuals on foot, broadcast his location and requested back up. The named officer said that when he saw a radio police car pull up near his location, he made contact with the three men. The officer stopped the complainant and his two friends by ordering them to face the wall and to place their hands up on the wall. The witness and the other male complied with the officer. However, the complainant immediately began to challenge the named officer by telling him they did not do anything and that the officer could not detain them.

The evidence established that the complainant and his two companions closely matched the description of the fleeing suspects who were being pursued for a theft of 3 iPads in a backpack. Furthermore, the stolen iPads were "tracked" to the vicinity where the complainant and his two companions were observed. Thus, the named officer had reasonable suspicion to detain the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer pushed his face against the wall and grabbed his arms to handcuff him. The complainant said the officer was able to handcuff one of his wrists with his handcuffs when the complainant became upset and turned to look at the officer while asking him what he was doing. The complainant admitted he slightly resisted the officer when he attempted to handcuff him. The complainant said he was handcuffed after being tackled to the ground.

The officer denied the allegation. The officer said that when the complainant slowly returned his hands to the wall he noticed an object in the complainant's left hand. The officer grabbed the complainant's left arm to find an Afro hair comb with metals picks in his hand. The officer stated, "He started to turn on me and I was fearful for what he might plan on doing or what he was going to do." He grabbed the complainant by his overalls and was planning to take him to the ground when other officers arrived and pulled the complainant behind the officer and onto the ground. The officer did not recall who completed the handcuffing, but the complainant was eventually seated up on the curve with the handcuffs on. The witness supervisor stated he responded to provide cover for the named officer. He observed the named officer telling the complainant to keep his hands up and then saw the complainant turn quickly to his left with a shiny object in his left hand. The witness supervisor said, "It was not recognizable to me, but I thought it was a knife." The witness supervisor said he also grabbed the complainant's left hand. The supervisor said he lost his balance and fell with the complainant but continued to hold onto the complainant in a headlock until he was secured. The witness supervisor stated he did not see who handcuffed the complainant.

The witness corroborated the complainant had an Afro pick in his hand, which he placed in his pants during dance performances as a theatrical prop. The witness said the complainant was nervous and kept asking the officer what he had done wrong. The witness stated the complainant was just trying to turn around and trying to talk to the officer, but the officer kept pushing him to the wall. The evidence established that the named officer was initially alone when he made contact with the complainant and his two male friends. It was reasonable for the officer to handcuff the alleged suspects, bearing the nature of the crime, the number of suspects, and the location of the detention. The evidence established that the complainant had an Afro pick in his hand and admitted to slightly resisting the officer's attempts to handcuff him. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that once he was handcuffed, he was searched. The officer denied the allegation. The officer stated he was certain the complainant was searched but was not sure if he or another officer conducted the search. The officer said the complainant was under arrest for resisting arrest and would have been searched to make sure he had no weapons on him. The witness stated before the complainant was taken down, the detaining officer searched all of them and went through their pockets and backpacks with negative results. There were no other available witnesses. Due to varying statements from the parties involved, there was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer focused his attention on him because he was "talking back" and asking questions. The complainant admitted he slightly resisted the officer when he tried to handcuff his wrists. The officer denied the allegation. The officer said the complainant would not comply with his orders and challenged him. The officer said he went to handcuff the complainant and saw a metal object in his hand. The officer stated the complainant turned on him, which forced the officer to grab the complainant's clothing for a takedown. The officer said responding officers assisted him in containing the complainant and he was placed under arrest for resisting. The victim arrived at the scene and informed the officers that the complainant and his friends were not the suspects who stole his backpack and iPads. The witness stated the complainant was just trying to turn around and trying to talk to them, but the officer kept pushing him to the wall. The witness said the complainant's head struck the wall and jerked his body. The witness believed when the complainant jerked his body from hitting the wall, the officer thought the complainant was becoming aggressive. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant said he told the officer he had been punched in the face, yet the officer did not ask him if he needed medical attention. The complainant said he did not seek medical treatment on his own. The officer denied the allegation. The officer said the complainant had a small contusion on his forehead. He asked the complainant if he needed medical attention, yet the complainant declined by stating, "I'm physically all right." No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS # 6 & 7: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the arresting officer pushed his face against the wall when he grabbed his arms to handcuff him. The complainant admitted turning towards the officer to ask about the detention and slightly resisting the arresting officer's attempt to place him in handcuffs. He was tackled to the ground where a supervisor placed him in a headlock and punched him in the eye approximately ten times. The complainant said the supervisor punched him like "rabbit punches" by using his knuckle and grinding and rubbing it against his face and eye. The witness stated he observed the supervisor strike the complainant two to three times in the head in upper cut blows.

The officer and the supervisor denied using unnecessary force. The officer stated that when the complainant turned on him, he noticed an object in the complainant's left hand. The officer grabbed the complainant's left arm and saw an Afro hair comb with metals picks so he grabbed the complainant's clothing and pulled him down to the ground for control and the complainant was eventually handcuffed.

The supervisor stated he heard the arresting officer tell the complainant to stop and observed what he thought to be a knife in the complainant's left hand. The supervisor tried to grab the complainant's left hand, but the complainant escaped his grasp, and the supervisor ended up with the complainant in a headlock. At that point, the supervisor lost his footing and toppled over, landing on his back with the complainant landing on top of him. The supervisor thought he was going to be stabbed by the complainant's object in hand or even kicked in the face by other officers. The supervisor and the officer denied that the supervisor punched the complainant in his face. Two witness officers denied being able to observe any force used on the complainant. No independent witnesses came forward. There was insufficient evidence to either prove or disprove that the level of force used by the alleged officers was minimally necessary to accomplish their police task.

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SUMMARY OF ALLEGATIONS # 1-3: The officers detained civilians without justification.

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

FINDINGS OF FACT: The complainant, an attorney representing a bar owner, alleged that the officers detained a number of individuals inside the bar without justification. The officers stated they observed the bartender serving alcoholic beverages to patrons after hours, in violation of Section 25632 B&P. A witness said he saw the bar in operation past 2 a.m., in violation of Section 1070 of the San Francisco Municipal Police Code. The officers also stated that persons in the bar delayed the investigation and raised officer safety concerns when they ran up to a second level to hide inside a locked office despite orders to stop. Three witnesses corroborated the officers' account of what happened. 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 #4-10: The officers entered a premise without cause.

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

FINDINGS OF FACT: The complainant wrote that officers entered the establishment without consent or proper authorization. Section 25755 of the Business and Professions Code authorized the officers to conduct an administrative search to visit and inspect the premise at any time the bar was operating. The evidence established by a preponderance of the evidence that the premise was operating after hours in violation of Section 25632 B&P and 1070 MPC. The evidence proved that the act, which provided the basis for the allegation, occurred. The act was justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #11-12: The officers searched the premises without cause.

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

FINDINGS OF FACT: The complainant said officers searched the premises without a warrant. Section 25755 B&P authorizes the officers to visit and inspect the bar at any time the bar was operating. The officers observed violations to sections 25631 and 25632 B&P. The officers also said that during their entry, the patrons ran upstairs and locked themselves in two rooms despite the officers' orders to stop. 25755 B&P Code grants officers broad authority to enter and inspect licensed premises. Additionally, the officers' actions were justified under the doctrine of protective sweep because of the threat the fleeing patrons posed. 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 #13-14: The officer searched persons without cause.

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

FINDINGS OF FACT: The complainant wrote that patrons were inappropriately searched. The evidence established the premise was operating after hours in violation of Section 25632 B&P, and that seven patrons fled to a second level to hide and lock themselves in rooms where marijuana was being grown illegally and impermissible bottles of alcohol were stored. The officers stated they only conducted cursory searches for weapons of the patrons for their safety, the safety of other officers, and for the detainees' own safety. Neither the named officers nor other responding officers could recall who might have assisted with the cursory searches. Cursory searches incident to lawful detentions were justified, lawful, and proper. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #15-16: The officers seized property without cause.

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

FINDINGS OF FACT: The complainant wrote that officers seized property without a search warrant. California Business and Professions Code section 25755 authorized the officers to inspect this bar, including locked rooms on the premise. Additionally patrons fled upstairs and locked themselves upstairs, thereby posing a safety risk to the officers. The officers seized marijuana plants, growing equipment, and impermissible bottles in plainview while conducting the administrative search and a protective sweep. 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 #17: The officer used profane language.

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

FINDINGS OF FACT: The complainant wrote that unspecified officers used profane language during their interactions with persons inside the bar. The complainant did not respond to OCC multiple requests for additional information. The officers, the bartender, and several patrons inside the bar denied the allegation. There was insufficient information or evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 09/30/12 **DATE OF COMPLETION:** 08/28/13 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #18: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant wrote that unspecified officers used snide comments during their interactions with persons inside the bar. The complainant did not respond to OCC multiple requests for additional information. The officers denied the allegation. There was insufficient information or evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #19: The officer harassed a person.

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

FINDINGS OF FACT: The complainant wrote on behalf of the bar owner that this was not the first time that his client has been haunted by the officers and their behavior. The complainant did not provide specifics and failed to provide additional information. Officers who were at the scene denied the allegation and stated the bartender was cited five months earlier for the same offense when she was a minor and falsely identified herself to an officer when she handed him her adult sister's identification card. The bartender and the patrons said they did not know the officers involved in this operation. There was insufficient information or evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/30/12 **DATE OF COMPLETION:** 08/28/13 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #20: The officer failed to provide a Miranda admonishment.

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

FINDINGS OF FACT: The complainant wrote that officers questioned persons in the premises without suitable admonitions. The evidence established that the bartender was never in custody and was the only person questioned about the bar and its operating permit, which had been expired for years. Therefore, no admonishment was warranted for the questions raised during an inspection duly authorized under state law. 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: 10/16/12 **DATE OF COMPLETION:** 08/28/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 - 3: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated that he was running from officers. He tried to jump over a wall, but an officer grabbed him and slammed him to the ground. The complainant stated that the officers then handcuffed him and hit him in the face with a gun after he was already handcuffed.

All three officers denied the allegation of unnecessary force. All three officers denied that any officer struck the complainant with a gun after the complainant was handcuffed. The officers stated that the complainant committed a “jaywalking” violation and ran from them. The complainant threw a handgun away as he was running away from the officers. The complainant tried to climb a fence but one officer caught up with the complainant and pulled him down from the fence. A second officer observed the complainant discard the handgun. The second officer ran after the complainant, picked up the discarded gun and ran to the fence where the first officer and the complainant were struggling with each other. A third officer arrived and all three officers were unable to subdue the complainant. The second officer with the gun stated he could not use both hands to control the suspect or safely store the firearm. During the course of the struggle with the complainant, the second officer struck the complainant twice with the handgun in an attempt to subdue the resisting complainant. The complainant then stopped resisting and the officers handcuffed him and took him into custody. The third officer stated that he used two knee strikes to gain compliance from the struggling complainant. 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: 10/31/12 **DATE OF COMPLETION:** 08/09/13 **PAGE #1** of 2

SUMMARY OF ALLEGATIONS #1 & 2: The officers failed to communicate with the complainant.

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

FINDINGS OF FACT: The complainant said her son was the victim of a homicide and the officers investigating the case failed to initiate contact with her and gave her no information about the crime or the investigation. The named officers acknowledged speaking with the complainant on the day of the homicide and detailed numerous other contacts made by the complainant and them and conversations regarding the information in the case but did not recall a specific meeting mentioned by the complainant. The named officers stated that they informed the complainant on numerous occasions that they could only release basic information to her without jeopardizing the case and any possible prosecution of her son's killer. The Department regulations regarding the release of information in such cases dictate that officers shall not release information that could jeopardize a prosecution but do not dictate which party must initiate communications. No other witness came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said her vehicle was seized in the investigation of her son's homicide and the Department would not release the vehicle to her or allow her to see it. The named officer acknowledged that she has the primary authority for determining the release of the property in this investigation. She stated that she determined that no property held as evidence in the case could be released without jeopardizing the investigation and/or any possible prosecution of the perpetrator of the crime. Department records indicate that no information in open homicide investigations shall be released if such release would tend to jeopardize the investigation until the possibility of a successful prosecution has passed. The evidence proved that the acts that formed the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 10/31/12 **DATE OF COMPLETION:** 08/09/13 **PAGE #2** of 2

SUMMARY OF ALLEGATION #4: The officer failed to release the property of a homicide victim to the victim's family.

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

FINDINGS OF FACT: The complainant said her son's property was seized in the investigation of her son's homicide and the Department would not release the property. The named officer acknowledged that she has the primary authority for determining the release of the property in this investigation. She stated that she determined that no property held as evidence in the case could be released without jeopardizing the investigation and/or any possible prosecution of the perpetrator of the crime. Department records indicate that no information in open homicide investigations shall be released if such release would tend to jeopardize the investigation until the possibility of a successful prosecution has passed. The evidence proved that the acts that formed the basis for the allegation occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/06/12 **DATE OF COMPLETION:** 08/08/13 **PAGE** #1 of 5

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

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

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

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

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

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

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DATE OF COMPLAINT: 11/06/12 **DATE OF COMPLETION:** 08/08/13 **PAGE** #2 of 5

SUMMARY OF ALLEGATION #3: The officer made inappropriate, threatening, and intimidating comments, and/or acted in an inappropriate, threatening, and intimidating manner.

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

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

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

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

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DATE OF COMPLAINT: 11/06/12 **DATE OF COMPLETION:** 08/08/13 **PAGE** #3 of 5

SUMMARY OF ALLEGATION #5: The officer failed to summon medical attention.

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

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

SUMMARY OF ALLEGATION #6: The officer issued an invalid order.

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

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

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DATE OF COMPLAINT: 11/06/12 **DATE OF COMPLETION:** 08/08/13 **PAGE** #4 of 5

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

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

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

SUMMARY OF ALLEGATIONS #8 & 9: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that during a detention, officers flipped him onto his belly and searched him without cause. One officer denied recollection of the incident. The second officer admitted searching the complainant pursuant to the detention. The independent witness did not see the entire incident. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation of a search without cause.

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DATE OF COMPLAINT: 11/06/12 **DATE OF COMPLETION:** 08/08/13 **PAGE #5 of 5**

SUMMARY OF ALLEGATIONS #10 & 11: The officers failed to provide the complainant with medical attention.

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

FINDINGS OF FACT: The complainant stated he was injured at the scene of his detention and asked officers for medical attention. Both officers stated that they were back-up officers responding to another officer's request for assistance. Both officers denied the allegation. Both back-up officers denied that the complainant requested medical attention, or complained of injuries at the scene. One independent witness did not see the entire incident but stated that he did not hear the complainant request medical attention or complain of injury. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that following his release from detention, his ID and a non-specific amount of money were missing from his property. The first officer who initially detained the complainant was a mounted officer on a horse. That officer ran the complainant for wants and warrants. That officer is no longer available and subject to Department discipline. The named officer stated that he and possibly another back-up officer ran the complainant. The officer denied the allegation. The independent witness did not see the entire incident, but observed the complainant's property returned to him in a clear plastic bag by the first officer on a horse. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/24/12 **DATE OF COMPLETION:** 08/21/13 **PAGE #1** of 1

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 officer ordered her to move her motorcycle. The complainant stated her motorcycle was legally parked. She stated she refused to move it.

In his OCC interview, a Parking Control Officer for the Department of Parking and Traffic stated the complainant's motorcycle was blocking a driveway. In a cell phone video provided by the complainant, this officer can be heard repeatedly asking the complainant to move her motorcycle because she is parked too close to a driveway.

The named officer stated the complainant's motorcycle was illegally parked and he told her it would be towed if she did not move it.

The named officer's supervisor stated he responded to the scene at the named officer's request. The supervisor stated the complainant's motorcycle was illegally parked.

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

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

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

FINDINGS OF FACT: The complainant stated the officer angrily yelled at her and made inappropriate comments to her. The complainant recorded a portion of this incident on her cell phone.

The officer stated he raised his voice but did not yell at her. He denied the allegation.

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/15/12 **DATE OF COMPLETION:** 08/29/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant works for the San Francisco Sheriff's Department as a deputy. The complainant stated she had just gotten off from work and was exiting the Hall of Justice when she saw the named officer talking to her husband's high school friend. The complainant stated that her husband was waiting for her outside the Hall of Justice to pick up their child. The complainant stated she spoke to the named officer and was about to introduce her husband out of courtesy when the named officer all of a sudden yelled, "Wo! Wo! Hold up! Wait a minute; wait a minute!" The complainant stated the officer was impolite, rude and disrespectful, prompting them to walk away.

The named officer denied talking and/or making any comments to the complainant and/or her husband. The named officer stated she only spoke to the complainant's husband's high school friend. The officer stated that it was the friend who made a comment to the complainant. The OCC interviewed the complainant's husband's friend. He denied that the named officer had any conversation and/or interaction with the complainant. He also denied that the named officer behaved inappropriately towards the complainant. The complainant's husband did not come forward. No other witnesses were identified. A preponderance of the evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

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DATE OF COMPLAINT: 11/15/12 **DATE OF COMPLETION:** 08/30/13 **PAGE#** 1 of 4

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 after picking up a friend at a local hospital, she asked her friend to drive her vehicle for her. While driving through an intersection, the complainant's friend was pulled over and cited for "running a yellow light". The complainant stated that the vehicle did not make it across the intersection in time. The complainant's friend, who was the driver of the vehicle, stated that the traffic light was yellow as she entered the intersection but that the rear of the vehicle was still in the crosswalk that preceded the intersection as the light turned red. The named officer denied the allegation, stating that he observed that the traffic signal turned red when the complainant's vehicle was a third of the way into the approximately 30-foot crosswalk. After the light turned red, the vehicle traveled across the remaining twenty feet of the crosswalk and through the intersection on a red light. He subsequently issued a citation to the driver of the vehicle for the infraction, along with another charge, which neither the complainant nor the driver denied. No other witnesses were located during the investigation. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/15/12 **DATE OF COMPLETION:** 08/30/13 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #2: The officer towed a vehicle without justification

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

FINDINGS OF FACT: The complainant stated that a friend was driving her vehicle and after being stopped for running a red light, the complainant learned that her friend had a suspended license. The complainant stated that the officer towed her vehicle, despite her being present with a valid driver's license. The complainant's friend stated that she was driving the vehicle at the complainant's request, but stated that the complainant was unaware that she did not have a valid license. The officer arranged for the vehicle to be towed, despite both the complainant and her friend asking if the complainant could drive her own vehicle home instead. The officer denied the allegation, stating that he pulled the car over and ran the driver's driving record, which showed a current suspension and prior violations for drunk driving. The officer stated that the driver told him that she lives in Pittsburg, California, and needs to drive to her job in San Francisco. The officer stated that his decision to tow the vehicle was based on the driver driving on a suspended license, and that he had an "objectively reasonable basis to believe" there was a "likelihood of immediate and continued unlawful operation of the vehicle if not towed" based on the driver's statement that she "has to drive to get to work." The officer stated that the owner-passenger could not drive the car home due to the driver's suspended license. Department Bulletin 12-158 § II.b.2, states that when citing a driver for driving on a suspended license, an officer shall not tow a vehicle if there is a licensed driver present at the scene who is able to safely and lawfully drive the vehicle from the scene. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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DATE OF COMPLAINT: 11/15/12 **DATE OF COMPLETION:** 08/30/13 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that the officer was sarcastic and told the complainant her car was being towed for using “bad judgment.” A witness, who is a friend of the complainant and was the driver of her vehicle, stated that the officer told the complainant, “You should be careful of who you let drive your car...I’m sorry to have to do this to you, but you shouldn’t let other people drive your car if you know they don’t have a license.” She stated that the officer spoke to the complainant in a condescending manner, “like he was her father.” The officer denied the allegation, stating that he spoke in a professional manner. He recalled telling the complainant, “You have to be careful who you give your car to. You have to know who the person is and the status of the driver... because it is your responsibility. It’s your car and if you don’t make a good judgment on that, things like this [referring to the tow] could result.” No other witnesses were located during the investigation. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: According to SFPD Personnel Order No. 12, dated June 5, 2013, the named member retired from the Department on June 1, 2013. The officer is no longer available and subject to Department discipline.

SUMMARY OF OCC-ADDED ALLEGATION #2: The officer approved the tow of the complainant's vehicle without cause.

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

FINDINGS OF FACT: According to SFPD Personnel Order No. 12, dated June 5, 2013, the named member retired from the Department on June 1, 2013. The officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/28/12 **DATE OF COMPLETION:** 08/28/13 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated that he was feeling ill and was on his way to the hospital when he was stopped and cited for numerous violations. The complainant admitted that he failed to come to a complete stop at an intersection. The complainant did not complain about the citation.

The named officer stated that the complainant's vehicle was towed because the complainant was driving on a suspended driver's license. 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#2-4: The officers failed to provide the complainant medical attention.

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

FINDINGS OF FACT: The complainant stated that he was feeling ill and was on his way to the hospital when he was stopped and cited for numerous violations. The complainant stated he repeatedly told the officers that he was very sick and needed to go to the hospital, but the officers kept him detained until his vehicle was towed.

The officers denied the allegation, stating that the complainant did not ask for medical assistance. No civilian witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/28/12 **DATE OF COMPLETION:** 08/28/13 **PAGE# 2 of 3**

SUMMARY OF ALLEGATIONS#5-7: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that he was feeling ill and was on his way to the hospital when he was stopped and cited for numerous violations. The complainant stated he repeatedly told the officers that he was very sick and needed to go to the hospital, but the officers kept him detained until his vehicle was towed. The complainant stated that after his vehicle was towed, he asked the officers for a ride to the hospital, but they refused.

One of the named officers denied that the complainant asked him for a ride to a nearby hospital. The other two named officers admitted that the complainant asked for a ride; however, these officers stated that the complainant did not show any signs of being in medical distress. The named officers denied that the complainant asked for medical assistance.

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

SUMMARY OF ALLEGATIONS #8-9: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that his vehicle was searched. The named officers stated that they conducted an inventory search of the complainant's vehicle because it was going to be towed. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #10: The officer searched the complainant.

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

FINDINGS OF FACT: The complainant stated he was searched. The named officer stated he pat searched the complainant for weapons. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: 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 named officer was rude, repeatedly yelled at him to “sit back down.” The named officer and witness witnesses denied the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/04/12 **DATE OF COMPLETION:**08/30/13 **PAGE** #1 of 4

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

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

FINDINGS OF FACT: The complainant stated that while stepping out of his vehicle, he saw a police car behind him flashing their lights. The complainant stated the officers contacted him and asked for his driver's license and registration. The complainant stated the officers said they stopped him because he went through an intersection without stopping at a stop sign.

The officers stated they stopped the complainant because his vehicle's registration was expired and the tabs on his license plate did not match with the California registration record. Evidence obtained from the Department of Motor Vehicle showed that the complainant was the registered owner of the vehicle at the time of the stop. The registration records showed that the complainant's registration was expired. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officers searched him and his vehicle without cause. The officers stated the complainant was arrested for driving with an expired registration and displaying false tabs on his license plate. The officers stated that they conducted an arrest search on the complainant and an inventory search on his vehicle. Department policies allow officers to conduct a search incident to a lawful arrest and to perform an inventory search of a vehicle that is subject to tow. 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: 12/04/12 **DATE OF COMPLETION:** 08/30/13 **PAGE #2** of 4

SUMMARY OF ALLEGATIONS #5-6: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officers arrested him without cause. The officers denied the allegation. The evidence showed that the complainant operated his vehicle with an expired registration and false tabs on his license plate, a misdemeanor. Furthermore, the complainant acknowledged that he also had an expired California driver's license. The officers performed an inventory search of the complainant's vehicle and seized contraband and a firearm from within his vehicle. The evidence, therefore, proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #7: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated the officer arrested and transported him to jail without reading him his rights. The complainant stated it was only at the jail that his rights were read to him. The officer denied the allegation. The evidence showed that from the scene, the complainant was transported to a police station where he was further questioned and that the complainant's rights were read to him prior to being questioned. The officer stated he only asked general traffic questions at the scene so there was no need for him to read the complainant his rights. 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: 12/04/12 **DATE OF COMPLETION:** 08/30/13 **PAGE #3** of 4

SUMMARY OF ALLEGATIONS #8-9: The officers towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated the officers towed his vehicle without justification. The officers denied the allegation. The evidence showed that the complainant operated his vehicle with an expired registration and false tabs, a misdemeanor. Furthermore, the complainant had an expired California driver's license. The evidence therefore proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #10-11: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that the officers failed to properly process his property. The complainant stated the officers did not give him any receipt on the properties seized from his vehicle. The complainant stated the officers documented some items but they failed to include his brand new leather jacket and other properties in the vehicle.

The officers denied the allegation. Department Bulletin A, No. 12-251, Tow Procedures, states, in part, that officers shall conduct an inventory search of all vehicles that are towed. Under no circumstances shall officers leave suspected stolen property, firearms or other valuables in the vehicle. The evidence showed the complainant was issued a property receipt listing all properties that were seized during the contact. The tow slip issued to the complainant also documented that "Clothes" were inventoried as visible property within the vehicle. There was insufficient evidence to either prove or disprove the allegation .

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DATE OF COMPLAINT: 12/04/12 **DATE OF COMPLETION:** 08/30/13 **PAGE #**4 of 4

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with Department Bulletin A, #10-335.

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

FINDINGS OF FACT: The officer was in a marked patrol car with an MVT terminal. The named officer performed a traffic stop on the complainant's vehicle for a registration violation and was responsible for the proper completion of the assignment. The officer stated he is familiar with Department Bulletin A, No. 10-335 (12/15/10). The officer could not recall whether or not he made an E585 entry of the stop. The evidence showed the Department had no record of the officer making an E585 entry of the stop. The officer failed to enter mandatory traffic stop data into the appropriate mask in compliance with Department Bulletin A, No. 10-355. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/07/12 **DATE OF COMPLETION:** 08/26/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer did not have a right to request her identification or ask her to exit the vehicle because she was a passenger and not the driver. The officer denied the allegation. The officer stated he received a call of an assault, which involved a van last seen riding on two flat tires. The officer stated he observed a van matching the description of the reported assault and stopped the vehicle and its occupants to conduct an investigation. The officer stated the driver and the occupants were all suspects at the time of the detention and were asked for identification. The officer said that none of the occupants had a valid driver's license and were subsequently asked to step out of the vehicle in preparation for a vehicle tow. The Department's incident report and event history detail documented the battery and investigation that resulted in the detention of the vehicle and its occupants. Based on the underlying criminal investigation, the officer had reasonable suspicion to detain 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 #2: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant admitted that she verbally protested the officer's right to request her identification, though she complied by providing her credit card for identification to the driver to pass to the officer. The complainant stated she was in the process of unlocking her door when an officer reached in through her window and unlocked her door manually. The complainant stated she did not physically resist the officer. The officer denied the allegation. The officer stated the complainant was yelling and told him she did not have to tell him anything. The officer said he requested that the complainant step out of the vehicle, but after repeated requests, the complainant refused to exit the van. The officer advised the complainant that she was under arrest for delaying a police investigation. The officer stated the complainant physically resisted him and another officer when they removed the complainant from the vehicle. The witness officers said the complainant was uncooperative, refused to exit the van when asked to do so and ignored officers orders to stop resisting. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/07/12 **DATE OF COMPLETION:** 08/26/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3 & 4: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant said that when the officers pulled her from the vehicle and handcuffed her, they twisted her arms in a pain inducing manner without cause. One of the named officers denied using any unnecessary force to remove the complainant from the vehicle or to handcuff her, stating that the complainant was noncompliant, ignored their orders, and resisted the officers. The other named officer did not recall having any physical contact with the complainant but recalled that the complainant was yelling at officers. A witness officer said the complainant was non-compliant and was removed physically from the vehicle, set on the ground and handcuffed. The officers denied that any unnecessary force was used against the complainant. The officer documented in the incident report that there was no report of pain or injury to the complainant. A patient care report documented no physical injury to the complainant. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5 & 7: The officers behaved in an inappropriate manner and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged that the officers made inappropriate comments and/or engaged in inappropriate behavior. The officers denied making any of the alleged comments or denied engaging in the alleged behavior. Witness officers denied hearing or seeing any of the alleged comments and or behavior. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/07/12 **DATE OF COMPLETION:** 08/26/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #8 & 10: The officers engaged in a pattern of harassing behavior against the complainant.

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

FINDINGS OF FACT: The complainant said she believed that district station officers are engaged in a pattern of harassing her as she has been repeatedly stopped for traffic violations over the past year or so. The officers denied engaging in harassing behavior toward the complainant and stated they knew of no concerted effort by the district station officers to harass the complainant. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer retaliated against the complainant.

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

FINDINGS OF FACT: The complainant said that after she used profanity towards the named officer, the officer responded by telling her she was under arrest for, "Disrespecting my folks." The officer denied the allegation. Witness officers denied hearing the officer make the comment. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant, a special education advocate, stated she took her clients to file a report of physical and possible sexual abuse upon their daughter, an autistic juvenile. The complainant stated she informed the named officer that her clients spoke Spanish, but that the complainant did not. The complainant said the named officer interviewed the complainant's clients in Spanish in a non-private setting without providing her with simultaneous translation of what the clients were saying. The co-complainant, the mother of the child, said she reported that a school assistant was hugging her daughter too much. The named officer stated she is neither trained to provide simultaneous translations while interviewing a reporting party nor is there an adequate private setting at the station to take initial incident reports with multiple reporting parties. The officer stated she wrote a report of a battery, but there was insufficient evidence of a sex crime.

The San Francisco Police Department policy regarding services to LEP individuals does not require bilingual officers to provide simultaneous translations during the interview of a reportee in a foreign language to a third party. The evidence established the officer prepared a police report consistent with department guidelines. The evidence also established there is no private setting to receive initial reports at the station. The evidence proved that the acts, which provided the basis of the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer's tone of voice and body language indicated that she was doubtful and reluctant to prepare a police report. The co-complainant stated she felt rushed by the officer, whose behavior inhibited her from reporting necessary facts related to the physical and suspected sexual abuse of her autistic daughter. The officer denied the allegation and stated she prepared the police report as directed. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/17/12 **DATE OF COMPLETION:** 08/26/13 **PAGE #1** of 3

SUMMARY OF ALLEGATIONS #1-2: The officers made inappropriate remarks and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated two officers stopped him for crossing against a red traffic signal. The complainant stated one officer lectured him about his violation and that the officers' comments and behavior were aggressive and inappropriate. The officers denied the allegation. The officers stated the complainant crossed against a red light in front of another car and their patrol car. One officer stated that he informed the complainant of the nature of the violation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer inaccurately cited him for violating California Vehicle Code Sec. 21950b. He denied causing a threat of imminent harm. The code section requires a pedestrian to utilize due care for his/her safety. The complainant admitted crossing against a solid red signal in front of another vehicle when the driver of that vehicle waved him to move forward. The officers stated they observed the complainant in the crosswalk crossing against a red light in front of another vehicle, causing that vehicle and their patrol vehicle to brake suddenly. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 12/17/12 **DATE OF COMPLETION:** 08/26/13 **PAGE #2 of 3**

SUMMARY OF ALLEGATIONS #4-5: The officers failed to provide their names and star numbers on request.

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

FINDINGS OF FACT: The complainant stated the officers failed to identify themselves when requested. The officers denied the allegation. They stated they orally identified themselves at the end of the contact when the complainant signed the citation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant stated the officers improperly ordered him to put away his cellular phone. The complainant stated he wished to take digital notes of the officers' identification information during the course of his detention for walking against a red light. The officers denied the allegation. They stated they ordered the complainant to put away his cellular phone because of officer safety reasons. During the course of the detention, the officers had the right to assure the security of their surroundings and the security of the contact with the complainant while they investigated the violation. Officers are trained not to allow persons to use their cellular phones during a police contact as it is a safety risk. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 12/17/12 **DATE OF COMPLETION:** 08/26/13 **PAGE #3** of 3

SUMMARY OF ALLEGATIONS #8-9: The officers engaged in biased policing based on the complainant's sexual orientation

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

FINDINGS OF FACT: The complainant stated the officers stopped him for crossing against a red traffic signal. The complainant stated the officers engaged in biased policing based on his sexual orientation. The officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. Both officers denied the allegation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/18/12 **DATE OF COMPLETION:** 08/26/13 **PAGE #1** of 2

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

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

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

San Francisco Adult Probation Department
Chief Adult Probation Officer
850 Bryant Street, Second Floor
San Francisco, CA 94103

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

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

FINDINGS OF FACT: The complainant stated he had a court order to retrieve his medical marijuana from police custody. When he went to get it from the legal department, he was told he had to go to San Francisco General Hospital to retrieve it. He had to do this several times before he was able to get his marijuana back. The head of the legal department stated that the complainant spoke with several civilian and sworn members but was unable to identify the person who the complainant alleged to have failed to properly process his property. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 12/18/12 **DATE OF COMPLETION:** 08/26/13 **PAGE #2** of 2

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

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

FINDINGS OF FACT: The complainant stated that he went to the legal department to retrieve his medical marijuana and was told by someone working there that they do not hand out narcotics. The complainant and the person at legal then argued about whether it was medical marijuana or narcotics. The head of the legal department stated that the complainant spoke with several civilian and sworn members but was unable to identify the person who the complainant alleged to have made inappropriate comments. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 12/20/12 **DATE OF COMPLETION:** 08/14/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately toward the complainant.

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

FINDINGS OF FACT: The complainant stated the officer became rude, upset, and hostile towards her after she had requested the officer speak English with the other passenger in order for her to understand their conversation. The named officer and witness officers denied the allegation. The named officer stated that the complainant was angry, agitated, and defiant. Two other involved witnesses denied that the named officer was rude or hostile towards the complainant. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the officer lied about her blowing smoke from her cigarette into his face during their contact. The officer denied the allegation. The officer said he told the complainant to extinguish her cigarette during his contact with her due to officer safety. The officer stated the complainant, at least twice, blew smoke in his face. A transit video failed to capture the interaction of the complainant and the officer during the investigation. Witnesses stated they observed the complainant smoking a cigarette but did not see her blow any smoke at the officer. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 12/24/12 **DATE OF COMPLETION:** 08/19/13 **PAGE#** 1 of 3

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

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

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

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/24/12 **DATE OF COMPLETION:** 08/19/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The named officer responded as a back up officer to his sergeant at the San Francisco International Airport (SFO). While at the scene, the named officer was told by the complainant that the complainant wanted to file a complaint against the sergeant. The named officer told the complainant that he had to go downtown to file his complaint. Department General Order 2.04 requires members to immediately receive citizen complaints of official misconduct whether received by letter, telephone or in person. The member receiving the complaint shall immediately refer the matter to the senior-ranking officer on duty in the station, division, section or unit where the complaint is being made.

The evidence established that the named officer failed to immediately receive a citizen complaint and failed to refer the matter to the senior-ranking officer on duty, in violation of DGO 2.04. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #4: The officer engaged in biased policing due to race/ethnicity.

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

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

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

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

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

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DATE OF COMPLAINT: 01/02/13 **DATE OF COMPLETION:** 08/28/13 **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 said the officer threatened to arrest him if he would not calm down. The officer denied the allegation. One witness sated he did not hear the officer threaten the complainant. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer refused to take his report of a crime. The officer was on 10B assignment at the time. Policies and procedures pertaining to 10-B assignments are unclear about an officer's responsibility to take a report when it would require the 10-B officer to leave the assignment. The Department is considering a revision to its procedures that will address this problem. The OCC finds the officer's inaction was the result of a policy failure. The OCC recommends that the Department's 10-B manual be revised to instruct 10-B officers that they are to take appropriate action to control any crime in progress they may view, notify dispatch of the need for a responding unit, and that the responding unit is responsible for all aspects of investigation, including the incident report.

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DATE OF COMPLAINT: 01/03/13 **DATE OF COMPLETION:** 08/06/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was simply walking along the street when he was detained for no apparent reason. Shortly after his detention, the officer determined that the complainant was not the suspect they were looking for. The officer then released the complainant.

The officer stated the complainant matched the description of a suspect, who with another suspect, fled from police after breaking into a parked car and stealing luggage from the parked car. The officers engaged in a vehicle pursuit and the suspects eventually stopped and ran from the vehicle. An officer caught one of the suspects while the other suspect continued to flee. The named officer stated he saw the complainant, who matched the description of the fleeing second suspect, in the area where the vehicle pursuit had ended. The complainant and the suspect are both African-American males, about 5'9' tall wearing dark clothes. The officer stated he approached the complainant, identified himself as a police officer and asked to talk to the complainant. The complainant refused and walked away. The officer then detained the complainant until he could dispel his suspicion that the complainant was not the second suspect. Another officer arrived on scene and cleared the complainant as a suspect. The location of the detention as described by the complainant and the officer was different. The area of the detention was several blocks from the termination of the vehicle pursuit. There were no witnesses to the contact between the complainant and the officer. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer detained and handcuffed him without justification. The officer stated that he detained and handcuffed the complainant for investigation into a burglary and vehicle pursuit that had just occurred. The officer stated that the complainant matched the description of the burglary suspect who was fleeing from the police. The location of the detention and handcuffing was several blocks from the termination of the vehicle pursuit that the suspect had fled from. There were no witnesses to the contact between the officer and the complainant. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/03/13 **DATE OF COMPLETION:** 08/06/13 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force during their contact. The complainant stated that he did not comply with the officer's orders to get on the ground because he initially did not believe the unknown male who approached him was a police officer. The complainant stated that he thought the unknown male was trying to pull a prank on him and possibly do harm to the complainant. The complainant said this unknown person forced him to the ground and then identified himself as "San Francisco Police."

The officer stated he identified himself as the police. The officer stated the complainant continued to walk away from him so he grabbed the complainant by the arm. The complainant further resisted and the officer placed the complainant in a "bear hug." The complainant struggled, trying to get away, and both the officer and the complainant fell to the ground. The officer stated he was eventually able to subdue the complainant and placed him in handcuffs. The officer stated he never struck the complainant or used any force. His intent was to hold the complainant in a bear hug until help arrived or the complainant complied. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer did not initially identify himself as a police officer when the officer approached the complainant. Furthermore the complainant alleged that the officer did not inform the complainant why the officer wanted to talk to him. The complainant stated the officer forced him to the ground and told him to shut up when the complainant demanded to know why he was being arrested. The officer stated he did identify himself as a police officer when he approached the complainant and informed the complainant why he wanted to talk to him (complainant). The officer also stated he showed his police star to the complainant. The officer denied telling the complainant to shut up. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to provide his name and star number when requested.

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

FINDINGS OF FACT: The complainant stated he asked the officer for his name and badge number while the officer was detaining him. The complainant stated, however, the officer initially refused to provide the complainant with this information. The officer stated he did provide the complainant with his name and badge number as requested. After the officer confirmed the complainant was not involved in the incident, the officer gave the complainant a Certificate of Release (form 849b) showing the officer's name and badge number. The officer indicated this was proof he provided the complainant with his name and star number. Department General Orders require that an officer promptly and politely provide their name and star number when requested. There is a disagreement between the complainant and the officer regarding when the information was provided, even though the officer eventually did provide the complainant with a Certificate of Release that did have the officer's name and star number on it. There were no witnesses to the contact between the officer and the complainant. There is insufficient evidence to either prove or disprove that the named officer promptly and politely provided the complainant with a name and star number.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/13 **DATE OF COMPLETION:** 08/01/13 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the Department failed to conduct an investigation into the crime of which he was a victim. The Department records established that the complainant's case was assigned to an investigator at the station who repeatedly attempted, without success, to contact the complainant at the phone number listed in the incident report. The Department regulations and procedures do not specify due diligence standards for investigators attempting to contact crime victims. The evidence established that the named officer made multiple attempts to contact the complainant and that absent written procedures concerning this, no Department regulations were violated. Therefore, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.