

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/13 **DATE OF COMPLETION:** 02/12/14 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated, in part, that he was not doing anything wrong to justify being detained by the officers. The complainant stated he was drinking alcohol but denied that he bothered a female, as alleged by a witness. The complainant stated the officers were not able to locate the female victim that he allegedly bothered. The complainant did not respond to OCC's request for an interview.

The officers denied the allegation. The officers stated they were approached by a reporting party who witnessed the complainant harass a female victim walking near the street intersection, by placing his hands under the female's arm and shoulder area. The officers stated the witness reported to them that he saw the female victim attempt to push the complainant away. The officers stated the witness identified the complainant as the suspect so they made contact with the complainant and detained him.

The officers stated they investigated the report as alleged by the witness. During the investigation, the officers stated they smelled alcohol emanating from the complainant. The witness corroborated that he witnessed the complainant harass and touch the female victim. The witness also corroborated that he noticed the complainant was publicly intoxicated.

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

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated, in part, that the officers used excessive force and struck him with their closed fists on the head and face. The complainant wrote that he only resisted when the officers hurt him. The complainant did not respond to OCC's request for an interview.

The officers denied the allegation. The officers stated the complainant refused verbal orders and became physically hostile towards them. The complainant placed his hands in front of the officer's face in a threatening manner then lunged towards one of the officers. The officers pushed the complainant back and attempted to physically restrain the complainant. A struggle ensued and one of the officers picked up the complainant's leg and put him on the ground. The officers stated the complainant placed his hands underneath his chest and tried to push them off. The officers stated they both performed distraction blows on the complainant's upper torso and head in an attempt to take him into custody, but the officers were unsuccessful due to the complainant's violent resistance.

One officer said the complainant had no visible injuries, and he did not complain of pain or any injuries. Both officers stated they sustained injuries from the incident. The officers reported the use of force to their supervisor and it was properly documented in the report and on the Use of Force Log.

The supervisor who responded to the scene stated the complainant made no complaints of pain or injury and he did not request medical attention. He recalled that the named officers appeared fatigued from the complainant's resistance and struggle. The supervisor said he completed the use of force investigation and returned to the station to document the use of force.

The witness said the complainant was uncooperative, physically resisted and was intoxicated. At one point, he saw the complainant swing his arm around at one of the officers and the complainant's arm brushed up against the officer's firearm. The witness stated one officer went down on one knee while struggling with the complainant. The witness stated he did not observe any officers strike or use any excessive force on the complainant. The witness stated the force used by the officers was never out of control. He did not see any visible injuries on the complainant.

There was insufficient evidence to either prove or disprove that the level of force used by the officers was minimally necessary to accomplish their task of taking the complainant into custody. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5 & 6: The officers arrested the complainant without justification.

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

FINDINGS OF FACT: In his written complaint, the complainant stated, in part, that he was not doing anything wrong and should have not been arrested. The complainant wrote that he was drinking alcohol and denied that he bothered a female, as alleged by a witness. The complainant stated the officers could not locate the female victim. Furthermore, the complainant wrote that he only resisted when the officers hurt him. The complainant did not respond to OCC's request for an interview.

The officers stated the complainant was non-compliant, a resistor and physically fought back with them during the detention. The officers said they placed the complainant under arrest for battery on police officers and resisting. SFPD documents revealed the complainant was on active parole.

The witness stated he observed the complainant harass and make physical contact with an unidentified female victim, so he notified the officers and identified the complainant as the suspect. The witness stated he observed the complainant put up a fight with the officers and continued to struggle and wrestle with the officers.

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

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

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

FINDINGS OF FACT: The complainant stated three male plainclothes officers arrested him and his girlfriend for possession of narcotics for sale without cause.

Department records showed that the complainant and his girlfriend were observed by plainclothes officers conducting narcotics transactions. One witness on scene did not respond to OCC requests for an interview and the whereabouts of a second witness are unknown. No other witnesses were identified. There was insufficient evidence to either prove or disprove this allegation.

SUMMARY OF ALLEGATION #2: The officer searched the complainant's girlfriend without cause.

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

FINDINGS OF FACT: The complainant said that an unidentified male Caucasian officer in plainclothes searched his girlfriend without cause when they were initially approached on the street.

The officers either denied the allegation or could not recall conducting the search. One witness on scene did not respond to OCC requests for an interview and the whereabouts of a second witness are unknown. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer seized personal property without cause.

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

FINDINGS OF FACT: The complainant stated that his girlfriend's money was booked into evidence rather than being booked as personal property.

The Office of Citizen Complaints investigation proved that the named officer conducted the search at the request of the arresting officer, with prior approval from a supervisor. The money seized was properly documented in the incident report and booked into evidence. The named officer's action was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated he was driving his car with a male passenger when he received a call from a female friend who needed a ride. The complainant stated he picked up his female friend and 10 minutes later, he was stopped and subsequently arrested.

The officers stated they arrested the complainant and his passengers for pimping and prostitution. The officers stated the complainant also had a warrant and was driving with a suspended driver's license. The officers determined from their investigation that the complainant was involved in pimping activities with his passengers.

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

SUMMARY OF ALLEGATION #3: The officer used force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated that once he was handcuffed, the officer told him to sit on the curb. The complainant told the officer he was recovering from a fractured femur and asked the officer for assistance in sitting down due to his leg injury. The complainant said the named officer kicked his uninjured leg out from under him and he "plopped" on the ground.

The officer denied the allegation. The officer stated the complainant explained he had been shot a few months back and asked for assistance in stepping out of the car. The officer stated he had the complainant grab his arm and escorted the complainant to the sidewalk and assisted the complainant in sitting down.

The witness officers did not observe any force or physical control used on the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4-5: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated officers searched his car, which included searching under the hood and trunk area. The complainant said the officers tore the seats out and then put everything back.

The officers denied searching the complainant's car without cause or removing the seats from the vehicle. The officers stated the complainant's car was searched at the scene and driven back to the station for further investigation pursuant to the complainant's arrest. The officers seized property from the vehicle and documented the property seized in the incident report. One of the officers completed the SFPD Inventory of Towed Vehicle form, as required. The officers received approval from a supervisor for the search and tow of the vehicle.

No other witnesses came forward. There was insufficient evidence to either prove or disprove that the initial detention and subsequent arrest was proper. Therefore, there was insufficient evidence to either prove or disprove this allegation.

SUMMARY OF ALLEGATION #6: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated his car was towed without cause while he was in custody. The complainant admitted he did not have his driver's license while driving his vehicle.

The officer denied the allegation. The officer stated a driver's license and warrant check revealed the complainant had a suspended driver's license and a warrant. The complainant and his passengers were all arrested at the scene for additional charges and taken to the station for further investigation. The officer completed a tow of the complainant's car under the authority of Vehicle Code 22651 (h) due the complainant's arrest and having nowhere to legally park or leave the car at the scene. Under the SFPD STOP Program, the complainant was in violation for the Vehicle Code section 14601(a) for driving a car with a suspended driver's license.

No other witnesses came forward. There was insufficient evidence to either prove or disprove that the initial detention and subsequent arrest was proper. Therefore, there was insufficient evidence to either prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant alleged that his car key was missing and not with his vehicle when he retrieved it from Auto Return.

The officer stated that the key was with the vehicle when he surrendered it to the tow company. The SFPD tow inventory slip corroborated that the complainant's car key and other property items were properly documented on the tow inventory slip. The tow company received and stored the complainant's car, making the tow company responsible for the missing key.

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: The complaint raises matters outside OCC's jurisdiction.

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

FINDINGS OF FACT: The complainant alleged that his car key was missing and not with his vehicle when he retrieved it from the towing company.

Part of this complaint raises matters outside OCC's jurisdiction. This complaint has been partially referred to:

Auto Return
450 Seventh Street
San Francisco, CA 94103
(415) 575-2340

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SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to collect traffic stop data.

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

FINDINGS OF FACT: During the OCC investigation, the Department reported they could find no evidence that the named officer had entered the required traffic stop data onto a Department computer in accordance to Department Bulletin No. 12-188, issued on August 29, 2012.

The named officer admitted that he did not enter the traffic stop data for the traffic stop in this case. The officer stated he eventually submitted his E585 entry, only after receiving a Notice To Appear from OCC.

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

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

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

FINDINGS OF FACT: The complainant stated he was at a club when a shooting occurred. He ran to the kitchen and saw a victim that had been shot. The complainant stated he stayed with the victim until the paramedics arrived. When help arrived, the complainant stated he went to retrieve his coat from the coat check but was unable to find it. As he exited the club, the complainant observed a chaotic scene, with police and paramedics all over the place. The complainant stated that as he walked through police to get his friend, the complainant believed he brushed up against an EMT, prompting the EMT to take him to the ground. The complainant stated he loss some consciousness but then got right back up and was mumbling, "What's going on?" The complainant stated he was then escorted to an ambulance and subsequently transported to the hospital because his head was bleeding. The complainant stated that while at the hospital, he was cited and released for resisting arrest.

The officers stated the complainant was belligerent and not obeying commands to clear the area. The officers stated they were attempting to stabilize the crime scene of the shooting, but the complainant lunged towards an officer who pushed him to create distance from the complainant. A struggle ensued and the complainant was taken down.

One of the named officers admitted striking the complainant with his PIC radio, stating that he had dropped his radio in the struggle and, just as he picked it up with his dominant hand, the complainant advanced toward another officer, prompting the named officer to strike the complainant with the radio.

Video of the incident shows the complainant advancing persistently on the officers, then being taken down to the ground. Medical records indicate the complainant was under the influence of alcohol. Witness statements were inconclusive. There was insufficient evidence to either prove or disprove that the level of force used by the officers was minimally necessary to accomplish their task of taking the complainant into custody. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was cited for violation of Penal Code section 148, Resisting, Delaying, or Obstructing Officer. Based on the complainant's own statement, statement from the complainant's friend, the video evidence, and the officers' statements, the named officer had cause to cite the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The co-complainant stated that she had just exited a Muni bus when she was approached by one of the Fare Inspectors, requesting for her Proof of Payment. The co-complainant refused, stating that she needed to quickly board another bus. The Muni Fare Inspectors proceeded to follow the co-complainant and then flagged down a patrol car and asked for assistance.

The named officer stated he repeatedly asked the co-complainant to stop, but she refused and continued to walk towards her residence. In addition the named officer stated the co-complainant refused to produce her identification, prompting him to place her in handcuffs.

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

Based on the co-complainant's own testimony, the named officer had reasonable suspicion to detain her. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant and co-complainant stated the named officer used unnecessary force when he twisted the co-complainant's arm while attempting to place her in handcuffs.

The named officer admitted grabbing the co-complainant's arms because she continued to struggle in an attempt to break away. The named officer denied using unnecessary force and said he only used enough force to place her in handcuffs.

In their written statements attached to the incident report, the Muni Fare Inspectors stated that the co-complainant resisted, requiring two Fare Inspectors to assist the named officer in handcuffing the co-complainant. No independent witnesses were identified. There was insufficient evidence to either prove or disprove that the level of force used was minimally necessary to accomplish the named officer's task in taking the co-complainant into custody. There was insufficient evidence to either prove or disprove the allegation.

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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 co-complainant stated that after she was taken into custody, the named officer said, "I could have thrown your ass on the ground!"

The officer denied making the alleged statement. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/20/13 **DATE OF COMPLETION:** 02/24/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was unjustifiably detained for public intoxication. He gave the OCC conflicting statements, but he eventually acknowledged he was intoxicated.

The officer named stated he saw the complainant walk into a lane of traffic, forcing a vehicle to stop to avoid hitting the complainant. The officer also stated that he became immediately aware the complainant was intoxicated based on objective signs of intoxication in addition to possessing a container of liquor.

SFPD Department General Order 5.03 states, in part, “A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person’s behavior is related to criminal activity.”

During his OCC interview, the named officer provided specific and articulable facts to support his decision to detain the complainant.

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

SUMMARY OF ALLEGATIONS #2-4: The officers used excessive force.

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

FINDINGS OF FACT: The complainant gave OCC multiple versions of how one or more officers injured his left shoulder while escorting him from a van into County Jail.

The evidence established, however, that two Sheriff Deputies transported the complainant to County Jail, and that no SFPD personnel were assigned to County Jail during this special event.

The named officers stated the complainant tensed up during his detention, requiring the officers to guide him to the sidewalk in order to place him in handcuffs. The named officers stated the complainant did not complain of pain or injury.

No independent witnesses were identified. There was insufficient evidence to either prove or disprove that the level of force used by the named officers was minimally necessary to accomplish their task.

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

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

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

FINDINGS OF FACT: The complainant said an officer pulled her out of her van where she was sleeping and handcuffed her without justification. The complainant and her husband did not respond to multiple requests for additional evidence for the investigation.

The named officer stated he did not recall having significant contact with the complainant but recalled an illegally parked van at the scene of this incident. Five other officers in the area stated they did not see what happened.

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

SUMMARY OF ALLEGATION #2: The officer inappropriately touched the complainant during a search.

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

FINDINGS OF FACT: The complainant said the detaining officer touched her inappropriately when he searched her. The complainant and her husband did not respond to multiple requests for additional evidence for the investigation.

The named officer could not recall the complainant or her husband being searched. Five other officers in the area denied being there or seeing what happened.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers used profane language.

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

FINDINGS OF FACT: The complainant said the detaining officer and another officer on scene used profane language towards her during her detention. The complainant and her husband did not respond to multiple requests for additional evidence for the investigation.

All of the officers who were questioned by the OCC denied the allegation.

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

SUMMARY OF ALLEGATION #5: The officer used excessive force during a detention.

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

FINDINGS OF FACT: The complainant said the detaining officer grabbed her by the hair and slammed her three times against her van, causing swelling to her forehead. The complainant also stated the same officer then pushed her while she was handcuffed into a seated position on a sidewalk curb. The complainant and her husband did not respond to multiple requests for additional evidence for the investigation.

All of the officers who were questioned by the OCC 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 #6: The officer failed to issue a certificate of release.

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

FINDINGS OF FACT: The complainant stated she was handcuffed during her detention for approximately fifteen minutes without being issued any documentation of her detention.

The complainant and her husband did not respond to multiple requests for additional evidence for the investigation.

The officers at the scene did not recall handcuffing anyone.

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

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DATE OF COMPLAINT: 05/28/13 **DATE OF COMPLETION:** 02/26/14 **PAGE #1** of 4

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

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

FINDINGS OF FACT: The complainant described an incident where an apparent homeless man in need of psychiatric care was yelling at people on a street corner. The complainant stated the homeless man followed another man across the street intersection and gestured violently towards the pedestrian's back, but did not make contact with the pedestrian. The complainant stated the officer suddenly appeared running at a full sprint and delivered an elbow strike to the jaw of the homeless person. The blow reportedly rendered the homeless man unconscious. The complainant further stated the officer picked the unconscious, homeless man up by his shirt collar and dragged him across the street to the sidewalk. Once the officer reached the pavement, he released his grip of the homeless man's shirt collar, which caused the homeless man's head to hit the pavement with a thud. The complainant stated he approached and confronted the officer about his actions, telling the officer to calm down. He alleged the officer called him a coward for not doing anything, and the officer stated, "This is what real men do."

The officer stated an unidentified witness approached him during his lunch break and informed him about an unknown male assaulting people at a particular intersection. The witness said the unknown man had also attacked him. The officer walked to the location of the alleged attack and saw the unknown male (homeless man) attacking other pedestrians including a woman walking across the intersection with her child. The officer intervened and gave the homeless male a shoulder bump, which caused the homeless male to fall to the ground. The officer determined the homeless male was drunk and had passed out. The officer stated he picked the homeless man up by placing his arms underneath the homeless man's armpits and dragged him to the sidewalk. The officer denied dropping the homeless man. The officer stated that pursuant to the action the officer took in this incident, the complainant was ranting, raving and making all sorts of derogatory comments about the police department. The officer attempted to obtain information from the complainant that would identify him as a witness, but the complainant refused. The complainant even called the officer a racial slur. The officer admitted calling the complainant a coward for seeing the homeless man assault the unidentified woman and her child, but not helping out.

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 #2: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated he saw an apparent homeless man feign a violent strike directed at a pedestrian who was crossing the street; however, the homeless person did not make physical contact with the pedestrian. The complainant stated he saw the officer run at a full sprint and deliver an elbow strike to the jaw of the homeless person, rendering the homeless man unconscious. The complainant further stated the officer picked up the unconscious homeless man by his shirt collar and dragged him across the street to the sidewalk. Once the officer reached the sidewalk, he released his grip of the homeless man's shirt collar, which caused the homeless man's head to hit the pavement with a thud. The complainant stated another officer arrived at the scene of this incident, and the complainant heard the named officer tell the other responding officer that he found the homeless man passed out.

The named officer stated he reported to the assisting officer exactly what transpired during this incident. The officer stated he gave the homeless man a shoulder bump, which caused the homeless man to fall while the homeless man was attacking a female pedestrian. The officer stated the homeless man was already drunk and off-balance, stating that it did not take much for the homeless man to fall. The homeless man then passed out. The officer stated he picked the homeless man up by placing his arms underneath the homeless man's armpits and dragged him to the sidewalk. The officer denied dropping the homeless man on his head.

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

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

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

FINDINGS OF FACT: The complainant stated he saw the officer run at a full sprint and deliver an elbow strike to the jaw of the homeless person that rendered the homeless man unconscious. The complainant further stated the officer picked the unconscious homeless man up by his shirt collar and dragged him across the street to the sidewalk. Once the officer reached the pavement, he released his grip of the homeless man's shirt collar, which caused the homeless man's head to hit the pavement with a thud.

The officer denied delivering an elbow strike to the jaw of a homeless man. The officer stated he gave the homeless man a shoulder bump in the upper torso, which caused the homeless man to fall to the pavement while the homeless man was attacking an unidentified female pedestrian. The officer stated the homeless man was already drunk and off-balance, stating that it did not take much for the homeless man to fall. The officer stated the homeless man then passed out. The officer stated he picked the homeless man up by placing his arms underneath the homeless man's armpits and dragged him to the sidewalk. The officer denied dropping the homeless man on his head, intentionally causing the homeless man to hit his head against the ground. The officer called for an ambulance.

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

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

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

FINDINGS OF FACT: The complainant stated he saw an apparent homeless man feign a violent strike directed at a pedestrian who was crossing the street; however, the homeless man did not make physical contact with the pedestrian. The complainant stated he saw the officer run at a full sprint and deliver an elbow strike to the jaw of the homeless man that rendered the homeless man unconscious. The complainant further stated the officer picked up the unconscious, homeless man by his shirt collar and dragged him across the street to the sidewalk. Once the officer reached the sidewalk, he released his grip of the homeless man's shirt collar, which caused the homeless man's head to hit the pavement with a thud. The complainant stated another officer arrived at the scene of this incident, and the complainant heard the officer who delivered the elbow strike (a superior officer) tell the named officer that he found the homeless man passed out.

The named officer stated he arrived at the scene of this incident after hearing it broadcast over the police radio frequency. The named officer stated that when he arrived, the superior officer provided him with details of the incident, which did not indicate the superior officer had any type of physical contact with the homeless man. The superior officer directed the named officer to prepare a report of the incident, which the named officer prepared. The named officer insisted he prepared the report according to the details the superior officer provided to him. The superior officer stated he informed the named officer about the physical contact he had with the homeless man, but did not read the report until approximately four months after the named officer prepared it. After reading the report, the superior officer discovered the initial report lacked certain details, especially about the physical contact the superior officer had with the homeless man. The superior officer then directed the named officer to prepare an amended report, which provided additional details.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/13 **DATE OF COMPLETION:** 02/10/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer destroyed a taxi video that was evidence in the complainant's criminal case. He stated that when his attorney received the video, it was "blacked out."

The complainant's attorney stated an assistant district attorney told her there was no video.

The assistant district attorney told the OCC that the officer told her the cabdriver was mistaken about his location and no video was obtained. She stated she conveyed this information to the complainant's attorney.

The cabdriver told the OCC that he initially informed the named officer that his taxi's camera may have recorded part of the incident but later informed the officer that he was mistaken and had not been on the street where the incident occurred. He stated there was no evidence of the incident on the video.

The named officer stated that a cabdriver informed him that his taxi video might have recorded evidence of a crime. The officer stated the cabdriver later told him he was mistaken and had not been on the street where the incident occurred.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/13 **DATE OF COMPLETION:** 02/10/14 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she and her boyfriend were subleasing a room in an apartment at a public housing. The complainant stated that her landlord and her landlord's companions assaulted her and her boyfriend, prompting the complainant and her boyfriend to go to a police station to file a police report. The complainant stated she stayed in the car while her boyfriend went inside the station to file the report. Moments later, the complainant stated her boyfriend came out of the station with the named officer, who took her statement. The complainant stated she found it inappropriate for the named officer to have her statement outside the police station. The named officer acknowledged taking the report from the complainant and her boyfriend. However, the named officer could not recall whether the complainant was in her vehicle when he made contact with her.

The complainant's boyfriend did not respond to OCC's request for an interview. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she asked for a female officer to take photos of her injuries, but the named officer refused and took the photos himself.

The named officer denied that the complainant asked for a female officer to take photos of her injuries on her face and arms.

The complainant's boyfriend did not respond to OCC's request for an interview. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/13 **DATE OF COMPLETION:** 02/10/14 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated the officer failed to provide her medical treatment. The complainant stated she asked for an ambulance, but the officer refused.

The officer denied the allegation. The officer stated he offered to call an ambulance for the complainant, but she declined. In his incident report, the officer wrote that the complainant refused his offer to call for an ambulance.

The complainant's boyfriend did not respond to OCC's request for an interview. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer wrote an inaccurate and/or incomplete report.

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

FINDINGS OF FACT: The complainant stated the officer wrote an inaccurate and/or incomplete police report. The complainant stated the officer took her report outside near her car, rather than inside the station as written. In addition, the complainant stated she was never offered medical assistance and was never provided any resource information for victims as articulated in the named officer's incident report.

The officer denied the allegation. The officer stated he could not recall if he made contact with the complainant near her vehicle. The officer stated he provided the complainant with a follow-up card, a Victim of Violent Crimes form and the Marsy's Card as stated in his report. In addition, the complainant refused medical assistance.

The complainant's boyfriend did not respond to OCC's request for an interview. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/13 **DATE OF COMPLETION:** 02/10/14 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer and his partner escorted her back to her residence to retrieve her belongings. The complainant stated that while in the process of retrieving her belongings, the named officer coerced her into surrendering her keys to the apartment. The complainant stated she had the right to hold on to the keys as a tenant until she was done removing all of her properties. The complainant stated she was forced to surrender the keys because she did not want to be confrontational and uncooperative.

The named officer denied the allegation. The officer stated he and his partner acted as liaison in a civil standby and that a mutual agreement was reached between the complainant and her landlord prior to leaving the scene. The complainant's landlord corroborated that the complainant voluntarily returned the keys. The landlord stated no one coerced the complainant to return the keys and no confiscation ever occurred.

The complainant's boyfriend did not respond to OCC's request for an interview. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6 & 7: The officers failed to properly document property.

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

FINDINGS OF FACT: The complainant stated she was coerced into surrendering her keys to her landlord and, therefore, should have been given a property receipt.

Department General Order 6.15 states that an officer is required to complete a Property Receipt when he/she takes or receives property from a person.

Based on the complainant's own testimony, the officers did not take or receive any property from her. The evidence proved that the officers' action was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/13 **DATE OF COMPLETION:** 02/28/14 **PAGE#** 1 of 4

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 he was arrested after police told him his registration was expired and that he had a warrant for his arrest. The complainant stated his registration was up to date and he did not know about any warrant.

The officers stated that a computer check revealed that the complainant's vehicle registration had expired for more than six months despite there being a current tag on the license plate. A computer check on the complainant showed that he had a warrant for his arrest.

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

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

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

FINDINGS OF FACT: The complainant stated that he was pulled over in his vehicle. Two officers exited the vehicle and started yelling at him. One of the officers came up to him and handcuffed him for no reason.

The officer stated that they had pulled over the complainant for expired registration. The complainant got out of the vehicle and started yelling at the officers. The officer felt that his safety was compromised and he handcuffed the complainant in order to proceed with the investigation, which eventually resulted in the arrest of the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/13 **DATE OF COMPLETION:** 02/28/14 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #4-5: The officers towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that he was pulled over by police. The officer told him his registration was expired. The complainant denied that his registration was expired. The officers then searched his vehicle and had the vehicle towed.

The officers stated that they pulled over the complainant because a computer check showed that the registration on the vehicle was expired despite a current registration tag being on the license plate. A further check on the complainant determined that he had a warrant for his arrest and that his license was suspended. The officers checked with a sergeant who approved the towing of the vehicle. The officers conducted a mandatory inventory check on the vehicle and had it towed.

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

SUMMARY OF ALLEGATION #6: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated that he was driving on Market Street when a police car behind him sounded its sirens. He turned left onto a less busy street in front of his business and pulled over. One of two officers got out of the car and yelled, "You didn't pull over!" The officer then grabbed the complainant's hand, pulled him out of the car, took him to the ground and handcuffed him. The officer then picked the complainant up by the back of the shirt and put him into the back of the patrol car.

The officer stated that after pulling over the complainant, the complainant got out of his vehicle and was yelling profanities at the officers. The officer told the complainant to get back in his vehicle but the complainant refused. The officer also noticed several tools in the complainant's vehicle that could be used as weapons. The officer feared for his safety and turned the complainant around, grabbed his hands and placed him in handcuffs. The named officer denied the complainant's allegation of unnecessary force.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/13 **DATE OF COMPLETION:** 02/28/14 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #7-8: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that two officers pulled him over for having expired registration. The complainant stated that he was pulled over and subsequently treated poorly because he has dark skin and looks Latino. The complainant is actually a Pacific Islander. He believes the officers, who are both white, were racially profiling him.

Both named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. Both denied that the complainant's race played any role in the way the contact with the complainant was handled. The officers stated that they could not tell the race of the complainant before they made the decision to pull him over for expired registration.

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

SUMMARY OF ALLEGATIONS #9-10: The officers failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated that he was pulled over and subsequently arrested. The officers transported him to Mission Station without ever reading him his Miranda rights. The complainant asked to be read his rights and was refused. It was only later that someone eventually read him his rights.

The officers stated that the complainant never asked to have his Miranda rights read. They did not read him his rights because they were not interrogated. The only statements attributed to the complainant in the incident report were spontaneous statements made before the complainant was detained.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/13 **DATE OF COMPLETION:** 02/28/14 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The Department reported to the OCC that the Department could find no evidence that the named officer had entered the required traffic stop data onto a Department computer.

The named officer stated that he believed he had entered the traffic stop data for the traffic stop in this case but could produce no evidence that he had.

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: 07/18/13 **DATE OF COMPLETION:** 02/24/14 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officers aimed their firearms at the complainant without justification.

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

FINDINGS OF FACT: The complainant stated two Caucasian plainclothes officers riding in a late 2000 blue Neon Chrysler aimed their firearms at him while he was walking home in a nearby street.

The S.F.P.D. does not have that car make and model in its fleet. The complainant failed to respond multiple times to the OCC for a photo spread of possible officers working in the district in question. All possible members working in the area in plainclothes capacity were questioned and all denied the allegation.

No witnesses were identified. There was insufficient evidence to establish the identity of the alleged officers. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/13 **DATE OF COMPLETION:** 02/24/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that her son was found dead beneath the window of his 9th story apartment building. She stated the death was ruled to be a suicide, but that she did not believe her son would commit suicide. She did not believe that a thorough enough investigation was conducted.

Department records indicate that police responded to a call concerning a man, later identified to be the complainant's son, found unresponsive outside of an apartment building. A medic arrived and declared the complainant's son to be deceased. The officers waited a Medical Examiner Investigator to arrive and take control of the scene. Officers proceeded to interview potential witnesses and secure a property receipt from the Medical Examiner Investigator and booked the receipt into evidence as required.

SFPD Department General Order 6.05 states, in part, "The responsibility for investigating cases of suicide rests with the Medical Examiner."

The Medical Examiner ruled the cause of death to be as multiple blunt force injuries. The Medical Examiner noted that the decedent had in his system a hallucinogen, which may have altered his perceptions.

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: Part of this complaint raises matters outside OCC's jurisdiction.

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

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

**City & County of San Francisco
Office of the Chief Medical Examiner
850 Bryant Street - North Terrace
San Francisco, CA 94103**

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/13 **DATE OF COMPLETION:** 02/10/14 **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 she was seated in a parked vehicle, outside of her residence. She stated two officers arrived and issued her a citation for being double-parked. The complainant denied that she was double-parked, stating that she was parked along the curb solely blocking her own driveway.

The named officer and his partner stated the complainant was double-parked in the roadway, prompting the named officer to issue her a citation.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer told her to shut up.

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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/13 **DATE OF COMPLETION:** 02/10/14 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

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

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 ALLEGATIONS #4-5: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that she believes she was racially profiled but denied that the officers said or did anything to indicate that this was race-related.

Both officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. Both denied that they engaged in biased policing due to race. The officers denied knowing the complainant's race or ethnicity prior to stopping, and both denied that her race or ethnicity contributed to the decision to issue her a citation.

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: 07/22/13 **DATE OF COMPLETION:** 02/25/14 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer issued her a citation for going through a red light. The complainant stated she did not proceed through the red light, but that she made a u-turn while the light was still red.

The named officer and his partner stated that they observed the complainant commit several violations including proceeding through the red light, crossing a double yellow line and making an illegal u-turn. The named officer cited the complainant for violation of California Vehicle Code section 21453(a) which states, in part, “A driver facing a circular red signal alone shall stop at a marked limit line....”

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

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

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

FINDINGS OF FACT: The complainant stated that the officer issued her a citation for going through a red light. The complainant stated she did not proceed through the red light, but that she made a u-turn while the light was still red. The complainant alleged that the citation was, therefore, inaccurate.

The named officer and his partner stated that they observed the complainant commit several violations including proceeding through the red light, crossing a double yellow line and making an illegal u-turn. The named officer cited the complainant for violation of California Vehicle Code section 21453(a), which states, in part, “A driver facing a circular red signal alone shall stop at a marked limit line....”

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/13 **DATE OF COMPLETION:** 02/25/14 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated in part that she was handcuffed after refusing to sign the citation and after walking away from the officers.

The named officer stated in part that the complainant was handcuffed after she refused to sign the citation and after she walked away from the officers, saying she was done. The named officer stated that the complainant was handcuffed for her own safety as she was standing in the middle of the street and that she was not free to leave until the citation was signed or a supervisor was called out to the scene.

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

SUMMARY OF ALLEGATION #4:The officer failed to provide his name and star number when requested by the complainant.

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

FINDINGS OF FACT: The complainant stated she requested the officer's name and star number several times, and the officer's responses were unintelligible.

The named officer and his partner stated that the named officer did provide the information to the complainant several times.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/13 **DATE OF COMPLETION:** 02/25/14 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to offer the complainant medical attention.

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

FINDINGS OF FACT: The complainant stated that she was injured as she entered the patrol car and asked for medical care.

The named officer and his partner both denied that the complainant was injured or that she asked for medical care.

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

SUMMARY OF ALLEGATION #6: 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 badgering her with his comments.

The named officer and his partner both denied the allegation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/13 **DATE OF COMPLETION:** 02/26/14 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that in October 2010, he filed an incident report concerning possibly being a victim of identity theft. He stated that in 2011, he obtained a copy of the report and was dismayed to see what he believed to be an unrelated incident report attached to his original report. He also noticed some inaccuracies and filed a supplemental report to correct them.

The named officer stated that he included information provided to him by the complainant in the report. He acknowledged making an inadvertent mistake in transposing two digits of the complainant's phone number. The officer stated that he referred the report to the Fraud detail for further investigation.

A copy of the report obtained by the OCC through SFPD showed no evidence of a separate incident, as alleged by the complainant. While the evidence does establish that a clerical error was made, there is no evidence that the error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error caused harm to the complainant).

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: 07/06/13 **DATE OF COMPLETION:** 02/12/14 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATIONS #3-4: The officers threatening and intimidating behavior was inappropriate.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/13 **DATE OF COMPLETION:** 02/27/14 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. There were no available witnesses. 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 identity of the alleged officer has not been established. There were no available witnesses. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/13 **DATE OF COMPLETION:** 02/27/14 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer engaged in biased policing due to sexual orientation, age and or handicap.

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. There were no available witnesses. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/13 **DATE OF COMPLETION:** 02/10/14 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant refused to provide a statement and requested a withdrawal of the case but refused to give permission to record the withdrawal.

SUMMARY OF ALLEGATIONS # 3-4: The officers used force during a detention/arrest.

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

FINDINGS OF FACT: The complainant refused to provide a statement and requested a withdrawal of the case but refused to give permission to record the withdrawal.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/13 **DATE OF COMPLETION:** 02/10/14 **PAGE #** 2 of 2

SUMMARY OF ALLEGATIONS # 5-6: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant refused to provide a statement and requested a withdrawal of the case but refused to give permission to record the withdrawal.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/29/13 **DATE OF COMPLETION:** 02/26/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was at a park selling bottled water when he noticed police officers observing him from a distance. Having been previously cited for not having a license to sell water in the park, the complainant decided to leave, quickly walking towards his vehicle. Seeing that the officers were following him, he ran. The officers eventually caught up with him, taking him into custody. During a search, the complainant stated the officers located four prescription pills in his pocket. The complainant was subsequently booked.

The incident report shows that the complainant was initially arrested for violation of Municipal Police Code section 869(a), Permit Required, and for California Penal Code section 148, Resisting, Delaying, or Obstructing Officer. During a search, the officers located suspected codeine pills, in violation of California Health and Safety Code section 11351(a). With these charges, the complainant was booked.

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

SUMMARY OF ALLEGATIONS #3 & 4: The officers failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated the officers failed to read him his rights prior to placing him under arrest.

The incident report shows that the complainant was initially arrested for violation of Municipal Police Code section 869(a), Permit Required, and for California Penal Code section 148, Resisting, Delaying, or Obstructing Officer. During a search, the officers located suspected codeine pills, in violation of California Health and Safety Code section 11351(a). With these charges, the complainant was booked. The incident report shows that the complainant was not questioned and that the only statement that was attributed to him was a statement he made when the officers located the suspected codeine pills.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/29/13 **DATE OF COMPLETION:** 02/26/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5 & 6: The officers placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The complainant stated that he was placed in tight handcuffs. When he asked the arresting officers to loosen the handcuffs, the officers refused.

The named officers, who arrested and transported the complainant, denied that they placed the complainant in handcuffs. The officers denied that the complainant complained of the handcuffs being too tight.

Other officers who were questioned could not recall who handcuffed the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/13 **DATE OF COMPLETION:** 02/26/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was driving when he saw a naked woman chasing a man in the middle of the street. The complainant then saw the woman on the ground with an officer with his knee behind her back, pulling her arms to prevent her from moving. While the complainant did not see how the woman was brought to the ground, the complainant stated that the officer's actions seemed to be excessive considering that the woman did not have a weapon.

The woman, who was detained for psychiatric evaluation pursuant to Section 5150 of the Welfare and Institution Code, stated that she only recalled that police surrounded and grabbed her. She was on the ground, restrained and woke up in the hospital. She stated that she was having personal difficulties at the time and must have "snapped." She stated she had no injuries.

The named officer stated that he responded to a call of a mentally disturbed naked woman in traffic. The officer stated that when he arrived, the woman was in the middle of the street chasing a male adult. The officer stated he approached the woman and identified himself, turning her attention to him. The officer stated the woman then threatened to kill him and made fists punching motion towards him. The officer stated he stepped back and performed a leg sweep, assisting the woman to the ground. With the assistance of another officer, the woman was handcuffed without further incident. The officer stated that the woman had no visible injuries as a result of his contact and she did not complain of pain.

San Francisco Police Department General Order 5.01, states in part, "Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more." A preponderance of the evidence proved that allegation that the named officer used excessive force was unfounded. As such, the evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/13/13 **DATE OF COMPLETION:** 02/13/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer displayed his firearm without justification.

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

FINDINGS OF FACT: In her written complaint, the complainant stated that the named officer displayed his firearm at her and her unleashed dog. The complainant and a witness on scene did not respond to OCC requests for an interview.

The officer denied the allegation and said he displayed his firearm toward three unleashed dogs advancing toward him growling and barking at him.

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

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated that one of the named officers acted inappropriately by pulling out his mace and the other yelled at a witness on scene without justification. The complainant and a witness on scene did not respond to OCC requests for an interview.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/13 **DATE OF COMPLETION:** 02/24/14 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant said the named officer, who had been involved in an earlier arrest of the complainant, encountered the complainant on the street and, in an effort to intimidate or threaten the complainant, held his right hand up toward the complainant and greeted the complainant, calling him “Mister” and his surname, and asking, “How was your birthday?”

The named officer acknowledged waving at the complainant and making the statement precisely as it had been recounted. The named officer indicated he was complying with the Department General Order on public courtesy. One other officer at the scene said he neither saw the gesture nor heard the comment.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/13 **DATE OF COMPLETION:** 02/06/14 **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 the San Francisco Police Department has failed to cite a commercial truck operator for creating a noise nuisance near his residence. The complainant, who told the dispatcher that he wanted to remain anonymous, stated the noise stopped before he called for police assistance.

The commanding officer where the noise complaint originated from told the OCC that the noise had already stopped before the complainant called for service. The commanding officer stated a citation requires an officer to measure the noise before issuing the citation. In this case, the complainant admitted that the noise had already stopped before calling the police. The commanding officer also noted that the complainant's call for service was not assigned to any officers and that Dispatch broadcast the call as "information only." Records obtained from the Department of Emergency Management supported the commanding officer's statement surrounding the complainant's call for service.

In a separate incident, the complainant stated that the SFPD failed to cite the truck operator, despite a written report from the Bay Area Air Quality Management District (BAAQ) where the truck operator allegedly admitted guilt.

The OCC reviewed this report and found that BAAQ's investigation was inconclusive. The commanding officer where the incident occurred told the OCC that the SFPD does not issue citations based on statements made to a third party. The commanding officer further stated the SFPD might have taken further action if the complainant filed a report with the Station Investigation Team and pursued a misdemeanor warrant through the District Attorney's Office. However, the complainant declined to file a report.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/13 **DATE OF COMPLETION:** 02/24/14 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant said an officer in the parking lot of Candlestick Park made inappropriate comments about fans while speaking to members of the public, and revealed information about an accident the officer had been involved in investigating. The complainant could not identify the officer.

Two officers in charge of the squad of officers patrolling at Candlestick on the day in question could not identify the alleged officer from the complainant's description.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/13 **DATE OF COMPLETION:** 02/11/14 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated he was arrested after going into a place he thought was a museum, which in fact was a live/work loft. The complainant stated he became involved in a brief struggle with an occupant of the loft and grabbed the occupant's phone. The complainant stated that the officers accused him of stealing the phone from a man who worked in the building, which the complainant denied. The complainant also stated that the alleged victim did not press charges against him.

The officers stated that they conducted an investigation and concluded that the complainant was caught trying to steal the victim's phone. The victim signed a citizen's arrest form, prompting the officers to take him into custody. The complainant also had an outstanding arrest warrant.

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

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

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

FINDINGS OF FACT: The complainant stated he got into a struggle with a man who accused the complainant of stealing his phone. The complainant said the man was actually trying to steal the complainant's candy bars. The complainant told an officer this, but the officer just threw the candy bars away despite the fact that they were evidence.

The officers stated that the complainant was arrested for burglary, possession of narcotics paraphernalia, and for an outstanding warrant. The officer stated that they discarded the complainant's candy bars because candy bars are perishable items and pursuant to department policy and procedure are to be disposed of when a person is booked and placed into a custodial arrest.

Department General Order 6.15 and the SFPD's Booking and Detention Manual state that perishable items are to be discarded and not placed into property control.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/13 **DATE OF COMPLETION:** 02/11/14 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The complainant stated he got into a struggle with a man who accused the complainant of stealing his phone. The complainant stated that the man was actually trying to steal the complainant's candy bars. The officer then refused to take photos of the candy bars even though the complainant told him they were evidence.

The officer investigating the crime stated he did not take photos of the candy bars because they were not evidence relevant to the case. The officer and his partner further investigated the case by speaking to all involved parties and by accepting a private person's arrest from the victim.

The evidence proved that the officer's conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATION #5: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant stated that he was arrested for stealing someone's phone. The complainant denied stealing the phone and he believed that the alleged victim did not press charges. In the incident report, the officer wrote that the alleged victim signed a citizen's arrest, which the complainant denied.

OCC's investigation established that the victim did, in fact, signed the Citizen's Arrest form.

The evidence proved that the named officer's was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/13 **DATE OF COMPLETION:** 02/11/14 **PAGE# 3 of 3**

SUMMARY OF ALLEGATIONS #6-7: The officers failed to read the complainant his Miranda rights.

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

FINDINGS OF FACT: The complainant stated that the arresting officers did not read him his Miranda Rights.

One officer stated that he believed the complainant was read his Miranda rights. The second officer stated that an inspector read the complainant his Miranda rights before speaking to the complainant. The officers stated that they did not interrogate the complainant during the incident.

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: 10/04/13 **DATE OF COMPLETION:** 02/24/14 **PAGE #** 1 of 1

SUMMARY OF ALLEGATIONS #1-4: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant said two officers who responded to her call of a drunk, naked man entering her apartment failed to take any action against him, instead leaving him in his apartment, from which he emerged and resulted in a second call. One witness who was present during the initial response said he had not heard what the complainant told the responding officers. A second witness named by the complainant did not respond to contacts for an interview.

The named officers who responded to the first event said the complainant did not report any criminal behavior, and refused to sign a citizen's arrest form.

The complainant said two officers who responded to the second call talked her out of filing a citizen's arrest, and failed to file a report. One witness who was present during the second event confirmed that the complainant reported someone entering her home and said she felt the officers' explanations of what the complainant could do were discouraging, but said ultimately the complainant agreed to the suspect being taken to a sobering center.

The two officers who responded to the second call denied that either of them talked the complainant out of filing a citizen's arrest, saying they explained all options available to the complainant, including discussion about a restraining order and a citizen's arrest. The officers said the complainant ultimately decided she did not want the man arrested. The officers said no report was required.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/07/13 **DATE OF COMPLETION:** 02/04/14 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the officers should have made contact with her neighbor to handle a noise complaint that the complainant had reported. The complainant stated the officers should have taken more action by knocking loud enough on her neighbor's door to be heard. The complainant told dispatch she did not wish to be contacted by the officers.

The officers denied the allegation. The officers said they responded to the scene, rang the complainant's neighbor's doorbell, and even knocked on the door several times, to no avail. The officers said they did not hear any noise emanating from the unit and one of the named officers said the windows were dark. The officers stated the complainant requested not to be contacted by the police, so they did not follow up with the complainant.

A witness said that his mother, the complainant's neighbor, wears earplugs to sleep and that she did not hear the officers at her door.

The evidence proved that the act that 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: 10/01/13 **DATE OF COMPLETION:** 02/12/14 **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 she was walking with her friends after leaving an entertainment venue when she saw a vendor selling food items on the sidewalk. The complainant stated the vendor probably did not have a permit to sell the food items, but was trying to earn some extra money. The complainant stated she saw an officer riding a motorcycle stop in front of the vendor. The complainant heard the officer tell the vendor to pack it up and leave. The complainant stated she heard the vendor say “Okay,” and the vendor complied. The complainant stated the vendor had the food items stacked on a tray, and began transferring the food items from the tray to the cart, which was being used for storage and transport. The complainant stated the vendor must not have been moving fast enough for the officer, and the complainant saw the officer take his hand and knock over the tray of food items the vendor had been holding. Consequently, the food items spilled onto the ground. The complainant stated she believed the officer intentionally knocked over the tray of food items. The complainant stated she did not obtain the officer’s name, badge number, helmet number or any other identifying information.

Investigative efforts to establish the identity of alleged officer were unsuccessful. The complainant’s witnesses did not come forward. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/13 **DATE OF COMPLETION:** 02/13/14 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/10/13 **DATE OF COMPLETION:** 02/24/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she called 911 after discovering that a car parked behind her car had dented her bumper. She stated she was told to take photos and go to a police station to make a report for her insurance company. She stated the dispatcher told her this was a hit and run. The complainant stated the named officer told her at the station that this was not a hit and run and asked her why she didn't leave a note on the offender's car. The complainant stated she felt the officer treated her like the guilty party. The complainant stated the officer asked her for her license and registration so he could prepare a report. She stated she didn't want to do so and left the station.

The named officer stated the complainant produced a photo of two vehicles parked at the curb with the front bumper of one touching the rear of the other. The complainant stated she told the dispatcher, "A car smashed into my car" and that the dispatcher had told the complainant this was a hit and run. The complainant said her insurance company would not honor her claim if she did not provide a hit and run report. The named officer stated he explained that this was not a hit and run. He told the complainant that the proper way to handle such situations is to leave a note for the other party informing them of the vehicle contact and requesting them to call her and their insurance company. The named officer told the complainant he would file a report for her and asked for her registration and driver's license. The complainant said these were in her car and that she would go get them and return. She left the station and did not return.

A witness officer supported the officer's version of events.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/07/13 **DATE OF COMPLETION:** 02/25/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he requested an officer to standby while he cut a lock from a bicycle locked to his driveway “bollard” post. The complainant stated he needs the area around his post in the driveway area clear so that he can enter and exit his driveway for medical emergencies. The complainant stated the named officer was rude and unprofessional towards him.

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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/11/13 **DATE OF COMPLETION:** 02/28/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer was intimidating, unprofessional and asked inappropriate questions when the complainant and her client went to a police station to file a complaint concerning various violations of a Restraining Order that the husband of the complainant's client had committed. The complainant alleged the officer failed to wait on the complainant in a timely manner and asked inappropriate and irrelevant questions.

The officer denied that she was intimidating and unprofessional. The officer stated the station gets very busy at times with phone calls and people waiting for assistance in the lobby. The volume of activity adds to the frustration of individuals believing they are being ignored. The officer stated the complainant attempted to dominate the interview by doing all of the talking for her client. The officer stated she had to obtain details of the Restraining Order violations directly from the client, and asked the client whether there was a reason why she was not speaking up for herself. The officer stated she did not get to the point of preparing an Incident Report because the complainant continuously interrupted her questioning of the client by commenting on the relevancy of the questions. At some point during this process, an Inspector from the Domestic Violence arrived and intervened. The Inspector indicated to the parties he would take over by listening to and acting upon the information provided by the complainant and her client. Consequently, the complainant and her client left with the Inspector.

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

SUMMARY OF ALLEGATION #2: Part of this complaint raises matters outside OCC's jurisdiction.

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

FINDINGS OF FACT: Part of this complaint raises matters outside OCC's jurisdiction. Part of this complaint was referred to the San Francisco Police Department Internal Affairs Division on November 4, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/13 **DATE OF COMPLETION:** 02/24/14 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officers failed to diligently search for a shooting suspect that the complainant believed was on his property.

Department of Emergency Management records indicate that numerous officers responded to this "A" priority 216 (Shots Fired) call and searched the area for the unknown suspect.

The preponderance of the evidence established the officers acted reasonably within the guidelines of their duties and their actions were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/13 **DATE OF COMPLETION:** 02/24/14 **PAGE #1** of 1

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 that his parked limousine was cited for having no license plates (CVC 5200). In his OCC interview, the complainant provided an invalid citation number. The complainant failed to respond to requests for a copy of the citation or a valid citation number.

The officer stated he did not recall this incident and did not have a copy of the citation.

Computer-Aided Dispatch records indicated that the officer queried the complainant's vehicle identification number but the records do not indicate that the vehicle was cited.

The San Francisco Municipal Transportation Agency stated they were unable to locate this parking citation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/13 **DATE of COMPLETION:** 02/10/14 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The San Francisco Police Department (SFPD) failed to return the complainant's property.

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

FINDINGS OF FACT: The complainant stated he was arrested three years ago and his property was seized but charges were never filed against him. He stated the San Francisco Police Department has failed to return his seized property.

According to the San Francisco Police Department and court records, the complainant had a no-bail warrant in another jurisdiction at the time of his arrest. The complainant and his property were transferred to the custody of that jurisdiction following his arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/13 **DATE OF COMPLETION:** 02/10/14 **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 he requested to speak to a supervisor, but the named officer refused to get a supervisor on the phone.

The named officer stated that the complainant belligerently demanded to speak to a supervisor, but when she told him her supervisor was not in the office, he hung up without leaving a message.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/13 **DATE OF COMPLETION:** 02/24/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was cited for failing to show proof of payment while riding on a MUNI bus. He stated he left his Clipper card at home.

The named officer and two other officers stated that the complainant failed to show proof of payment, prompting the named officer to cite the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated that during his detention, he took his phone out of his pocket to make a call. The officer told him to remove his hands from his pocket. The complainant said, "Look, it's just my phone." The complainant stated the officer then twisted his wrist behind his back.

The named officer, who fit the complainant's description of the officer who twisted his wrist, did not recall twisting the complainant's wrist.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/13 **DATE OF COMPLETION:** 02/12/14 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to properly process property.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on January 28, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/20/13 **DATE OF COMPLETION:** 02/13/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was cited for sleeping in a park. Before he was cited, the complainant stated he asked for the named officer's name and star number, but the officer refused.

The named officer and a witness officer denied that the complainant asked for the named officer's name and star number. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2: The officer failed to process the complainant's property.

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was cited for sleeping in a park. When he refused to sign the citation, he was taken to the station, leaving his shoes, sleeping bag and jacket at the scene.

The named officer stated he transported whatever property the complainant identified from the campsite to the station, where the complainant was cited and released with his property. The officer denied seeing any shoes.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/20/13 **DATE OF COMPLETION:** 02/13/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he was cited for sleeping in a public park, in violation of San Francisco Park Code section 3.13. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/13 **DATE OF COMPLETION:** 02/12/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that numerous officers from his local police district station were conducting surveillance of him and his property. The complainant alleged that he was being threatened and intimidated by these officers.

The named officer, who the complainant specifically named, stated he was not on-duty on the dates and times provided by the complainant. Department records supported the officer's statement.

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

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

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

FINDINGS OF FACT: The complainant stated that numerous officers from his local police district station were conducting surveillance of him and his property. The complainant alleged that he was being threatened and intimidated.

The identity of the alleged officers has not been established. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/10/13 **DATE OF COMPLETION:** 02/12/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on February 4, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/13 **DATE OF COMPLETION:** 02/25/14 **PAGE #** 1 of 1

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 he was cited for failing to stop at a stop sign. The complainant denied that he failed to fully stop at the stop sign.

The named officer and her partner stated that they observed the complainant driving a vehicle that did not come to a full stop at a four-way intersection, prompting the named officer to issue the citation.

No witnesses were identified. 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:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officers failed to respond to him when he asked them a question.

One of the named officers did not recall the complainant asking any questions. The other officer denied that she ignored 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: 12/13/13 **DATE OF COMPLETION:** 02/12/14 **PAGE#** 1 of 2

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

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 January 31, 2014.

SUMMARY OF ALLEGATION #2: The officer handcuffed a person 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 January 31, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/13/13 **DATE OF COMPLETION:** 02/12/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer made inappropriate comments and threatened the complainant.

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 January 31, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/13 **DATE OF COMPLETION:** 02//27/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The department failed to 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 February 10, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/13 **DATE OF COMPLETION:** 02/12/14 **PAGE #1** of 2

SUMMARY OF ALLEGATIONS #1-3: The officers searched the complainant's home without cause.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on February 7, 2014.

SUMMARY OF ALLEGATIONS #4-5: The officers failed to provide their name and badge number when requested.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on February 7, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/13 **DATE OF COMPLETION:** 02/12/14 **PAGE #2** of 2

SUMMARY OF ALLEGATION #6: The officer invaded the complainant's privacy.

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 February 7, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/26/13 **DATE OF COMPLETION:** 02/12/14 **PAGE#** 1 of 2

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/26/13 **DATE OF COMPLETION:** 02/12/14 **PAGE#** 2 of 2

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/17/12 **DATE OF COMPLETION:** 02/04/14 **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 implied in her letter to the station commander that, when she requested a citizen standby to recover her property, she did not receive sufficient assistance. The named officer stated that, after a delay at the station, he and another officer accompanied the complainant to her previous residence, where he spoke with a property management employee, who told him the complainant was free to take her property, but who also expressed concern that she would not be able to carry her bulky property alone.

According to the named officer, the complainant was afraid that, if she did not retrieve the property that day, it would be destroyed. The employee assured her that she would have three more days to get her property, which appeared to satisfy her. The named officer then returned to the station.

A witness officer confirmed the rudiments of the named officer's statement. The complainant did not respond for an interview. There were no available witnesses. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/14 **DATE OF COMPLETION:** 02/12/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on February 7, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/14 **DATE OF COMPLETION:** 02/27/14 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on February 24, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/14 **DATE OF COMPLETION:** 02/12/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on February 11, 2014.

SUMMARY OF ALLEGATION #2: 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 February 11, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/14 **DATE OF COMPLETION:** 02/04/14 **PAGE #1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers misused their police authority.

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

FINDINGS OF FACT: While off-duty, one of the named officers was at a gym when the complainant's 29-year-old son touched the named officer's right buttock, prompting the officer to file a police report and an Emergency Protective Order against the complainant's son.

While the complainant admitted that her son touched the named officer, the complainant denied that the unwarranted touching was sexual in nature. The complainant alleged that the officer misused her police authority when she reported the incident to the police. In addition, the complainant alleged that the investigating officer also misused his police authority when he investigated the sexual battery, prompting the issuance of an Emergency Protective Order against the complainant's son.

The evidence proved that the acts alleged in the complaint did not occur, or that the named officers were not involved in the alleged misuse of police authority.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/14 **DATE of COMPLETION:** 02/04/14 **PAGE # 1 of 1**

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

CATEGORY OF CONDUCT: NA **FINDING:** IO2 **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: 01/31/14 **DATE OF COMPLETION:** 02/04/14 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/14 **DATE OF COMPLETION:** 02/13/14 **PAGE #1** of 1

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

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

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

San Francisco Police Department
Ingleside Police Station
1 John Young Lane
San Francisco, CA 94112

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/14 **DATE OF COMPLETION:** 02/19/14 **PAGE #1** of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/14 **DATE OF COMPLETION:** 02/24/14 **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: The complaint raises matters outside OCC's jurisdiction. This complaint has been referred to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/12/14 **DATE OF COMPLETION:** 02/24/14 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/14 **DATE OF COMPLETION:** 02/25/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant, who wished to remain anonymous, stated that every weekday for over a year, protesters use a bullhorn in front of a hotel disturbing the residents in a nearby apartment building. The complainant stated that San Francisco Police Department officers would respond, but they did nothing regarding the noise. The complainant provided no contact information and did not provide specific dates and/or articulate specific complaint against specific San Francisco Police Department officers.

Without additional information and without the complainant's cooperation, the OCC could not further investigate the complainant's allegation. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/14 **DATE OF COMPLETION:** 02/24/14 **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:

Animal Care and Control
1200 15th Street
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/19/14 **DATE OF COMPLETION:** 02/24/14 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/19/14 **DATE OF COMPLETION:** 02/25/14 **PAGE #1** of 1

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

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

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

Santa Clara County Sheriff's Office
55 West Younger Avenue
San Jose, CA 95110

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/14 **DATE OF COMPLETION:** 02/24/14 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant raises matters not rationally within the jurisdiction of the OCC.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/14 **DATE OF COMPLETION:** 02/25/14 **PAGE #1** of 1

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

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

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

San Francisco Municipal Transportation Agency
Attn: Complaints Department
1 South Van Ness Avenue
8th Floor, Room 8194
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/14 **DATE OF COMPLETION:** 02/28/14 **PAGE #1** of 1

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

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

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

South San Francisco Police Department
P. O. Box 711
South San Francisco, CA 94083-0711
(650) 877-8900

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/20/13 **DATE OF COMPLETION:** 02/04/14 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that the SFPD did not contact him by telephone once his stolen vehicle was recovered by law enforcement. The complainant stated that since he was not contacted by telephone, he was required to pay extra charges for vehicle storage before he could retrieve his vehicle.

The Office of Citizen Complaints established that a civilian employee was responsible for making the contact. 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: 03/22/13 **DATE OF COMPLETION:** 02/18/14 **PAGE#** 1 of 6

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

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

FINDINGS OF FACT: The complainant stated that while at the police station for a juvenile police matter, she saw officers run outside the building. The complainant stated she followed the officers outside and saw the two named officers detain her brother by grabbing and pushing him.

The complainant's brother stated that he was leaning against a truck talking on his cell phone when one of the named officers became very aggressive towards him. The complainant's brother said the officer started to curse at him and told him to get off the vehicle. The complainant's sister stated she heard the officer curse at her brother and tell him to get off of the truck.

One of the named officers stated that prior to making contact with the complainant's brother, he had been told that a very sensitive investigation was going on inside the station involving the detention of several minors and that the minors' parents had responded to the station. The officer stated the situation was tense and there was a heightened sense of caution. The officer said that with that information in mind, he became concerned and suspicious that the man leaning against the truck might be engaged in tampering with the vehicle. The officer stated he was aware that the truck belonged to an officer and was parked in a space designated for 'police vehicles only' in front of the station.

The named officers stated they could see that the man was talking on his cell phone with one hand, but they could not see the man's other hand so they decided to investigate and make sure the man was not vandalizing the truck. The officers said that when they first approached the man, one of the officers asked the man if the truck belonged to him. The officers said that the man told them that the truck did not belong to him and moved away from the truck. Satisfied that the truck was not being tampered with, the officers said they began to walk back to their parked vehicle. However, the officers observed that the man had repositioned himself back against the truck. For this reason, the officers stated they approached the man a second time and one of the officers told the man he had to get off the truck and go. A hostile verbal exchange ensued between the officers and the complainant's brother.

There was insufficient evidence to establish whether the officers had reasonable suspicion to suspect that the complainant's behavior was related to criminal activity.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/13 **DATE OF COMPLETION:** 02/18/14 **PAGE#** 2 of 6

SUMMARY OF ALLEGATIONS #3 - 6: The officers made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated while at the police station for a juvenile police matter, she observed officers detain and surround her brother outside the police station. The complainant stated she ran through the officers and grabbed her brother to calm him down and move him away from the officers. The complainant stated she questioned the actions of the officers and was arrested for resisting the officers. The complainant stated her sister also tried to calm their brother down and was subsequently arrested for resisting the officers.

The officers denied the allegation. The officers stated the male subject was arrested for admittedly threatening one of the detaining officers after the officer allegedly cursed at him and chest butted him. The officers stated that the complainant and another woman were arrested after coming in between the arresting officers and the male subject, attempting to prevent the officers from taking the male subject into custody.

The complainant's brother admitted to threatening the officer. The complainant's sister, who failed to come forward for an OCC interview, was interviewed by the Department on the date of incident and admitted to trying to remove her brother from the police arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/13 **DATE OF COMPLETION:** 02/18/14 **PAGE#** 3 of 6

SUMMARY OF ALLEGATIONS #7 – 11: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant said she saw two officers grab and push her brother against a truck and these same two officers grabbed and handcuffed her. The complainant said that when she was being arrested, one of the arresting officers punched her in the ribs and a second officer twisted and bent her wrists in a pain, inducing manner. The complainant said that during her arrest, she accidentally kicked an officer. And while officers carried the complainant into the station and through a door, the complainant said her shoulder struck the doorframe causing her pain. The complainant stated her sister was also hit in the chest by an officer.

A female witness stated she saw an officer slam the complainant onto a car and struggle to handcuff her while the complainant questioned the actions of the officers. The complainant's brother stated that while being handcuffed, an officer placed his arm on the back of his neck to hold him down. The complainant's brother said he did not physically resist the officers. The complainant's brother said the complainant and another female witness were yelling at the arresting officers and two of the officers grabbed the complainant and held her against a car and told her to relax. The complainant's brother said the officers tried to handcuff the complainant but that the complainant resisted and was taken to the ground.

The officers who took the complainant's brother into custody denied using any force. The officer who arrested the female suspect denied hitting her in the chest. The officer who arrested the complainant admitted to punching the complainant in the chest, but said she did so only after the complainant kicked her in the stomach. The officer said she struck the complainant with an open palm strike to stop the complainant from kicking. Another officer admitted to using several control techniques while trying to handcuff and control the resistant complainant. Witness officers said the complainant resisted arrest and officers had to carry her into the station. All of the officers involved with the complainant denied that she struck her shoulder on the doorframe while carrying her into the police station. Witness officers said that when being carried into the station, the complainant kicked an officer.

The officers' use of force was documented in the incident report and recorded on the Use of Force Log as required. The incident report documents that the paramedics were called to the station to examine the complainant after she complained of pain and that the officer who was kicked by the complainant was transported to the hospital.

There was insufficient evidence to either prove or disprove that the level of force used by the officers were minimally necessary to accomplish their tasks. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/13 **DATE OF COMPLETION:** 02/18/14 **PAGE#** 4 of 6

SUMMARY OF ALLEGATIONS #12 – 14: The officer used profanity.

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

FINDINGS OF FACT: The complainant said three officers used profanity toward her, but she could only positively identify two of the involved officers. One of the witnesses said she heard an officer use profanity toward the male subject and the male subject said one of the officers used profanity towards him.

All the identified officers at the scene denied using profanity or hearing any officer use profanity. Several of the officers that were interviewed said the complainant and two other arrested individuals used profanity toward the officers.

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

SUMMARY OF ALLEGATIONS #15 – 18: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant said that the officers' behavior was racially motivated.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/13 **DATE OF COMPLETION:** 02/18/14 **PAGE#** 5 of 6

SUMMARY OF ALLEGATION #19: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant said that while at the police station, a male officer grabbed her cell phone and slammed it onto the bench, breaking it. The complainant could not positively identify the officer who committed the alleged act.

The OCC interviewed all the officers identified as having been involved in this incident and they all denied ever having possession of the complainant's cell phone or more specifically causing any damage to the complainant's cell phone.

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

SUMMARY OF ALLEGATION #20: The officer used a racially derogatory word.

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

FINDINGS OF FACT: The complainant stated while being placed under arrest, she heard an officer use the "N-Word." The complainant could not identify the alleged officer.

The OCC interviewed all of the officers identified as having been involved in the incident and they all denied using the alleged word or hearing any other officer do so.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/13 **DATE OF COMPLETION:** 02/18/14 **PAGE#** 6 of 6

SUMMARY OF ALLEGATION #21: The officer conducted a search without cause.

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

FINDINGS OF FACT: The complainant said that during her brother's detention outside the station, she heard him questioning the officer's right to search him. The complainant did not witness the alleged search nor did she identify who conducted the alleged search.

The SFPD investigation chronology documents that the female subject in this incident reported hearing the complainant's brother complaining about having been searched. However, the female subject said she did not witness the search of the male subject.

While the complainant's brother denied being searched while outside the station, he did say he was searched after being taken into custody.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/13 **DATE OF COMPLETION:** 02/06/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was speaking to a woman at a bus stop outside a club when he was assaulted by several club security guards. He stated the police failed to properly investigate the assault and failed to arrest the suspects.

The officers denied the allegation. They stated the complainant assaulted a female patron at the club and her friends called a security guard to intervene. When security removed the complainant, the complainant allegedly punched a security guard outside the club. A brawl ensued. Police officers separated the parties, called an ambulance, and interviewed the complainant, security, and the witnesses. The named officers stated the complainant was identified as the primary aggressor, but the victim refused a citizen's arrest.

The witnesses who came forward only saw a portion of the incident. No additional independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3 - 5: The officers made inappropriate comments and/or acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that during an assault investigation, a Caucasian officer shook hands with a party who allegedly assaulted him. The named officers denied the allegation. The witnesses who came forward only saw a portion of the incident.

No additional independent witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/13 **DATE OF COMPLETION:** 02/06/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #6 - 8: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated the officers engaged in biased policing based on race. The officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officers denied the allegation, stating that race was not a factor in their investigation.

The witnesses who came forward only saw a portion of the incident. No additional independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer was a supervisor who responded to a large altercation outside a club. He contacted all involved parties. He oversaw whether the incident was properly investigated by his subordinates, including the requirement for an incident report and if an arrest was needed.

The officer denied the allegation. He denied that the complainant was a victim of an assault. He stated that the sole victim was a female allegedly assaulted by the complainant. He stated the female did not seek a citizen's arrest. He stated the complainant did not indicate any aggressor at the scene due to his inebriated state and may have had a change of heart later.

The witnesses who came forward only saw a portion of the incident. No additional independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/11/13 **DATE OF COMPLETION:** 02/10/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the Chief of Police failed to disclose a \$100,000 gift from a venture capitalist and sixty (60) laptop computers donated by a computer-manufacturing corporation in violation of the disclosure requirements established by the California Fair Political Practices Commission (FPPC). The complainant stated the two gifts described above are contained in the August 27, 2012 issue of the San Francisco Chronicle.

The complainant stated the Department was required by law to post the gifts on the Department's website, but as of April 10, 2013, the Department had not done that. The California Fair Political Practices Commission has established regulations concerning "Gifts to an Agency," (Section 18944). This directs that the agency report this gift on a form, send the completed form to the California Fair Political Practices Commission, maintain a copy of this form as a public record subject to inspection, and post a copy of the form or the information in the form on its website in prominent fashion within thirty days after use of the gift.

The OCC investigation determined the Department did not receive the \$100,000 cash gift from the venture capitalist. Instead, the money went from the venture capitalist to a mobile application developer to develop technology in mobile devices that would be used by police officers. Development of the technological application would allow officers to build investigative case files in the field rather than returning to the station in order to prepare them. The company developed a prototype, but the Department as of January 31, 2014 has not received the prototype. Thus, the Department's reporting obligations have not yet been triggered.

Concerning a gift of sixty laptops, the San Francisco Police Department notified the Police Commission of the gift of the sixty laptop computers at the July 11, 2012 Police Commission meeting. The Police Commission approved a recommendation to the Board of Supervisors to accept the gift. The gift of the sixty laptop computers has subsequently been listed (around August 2013) on the SFPD website, although the Department did not initially post the gift to its website. The SFPD has now included on its website a section entitled Department Gifts and Donations list and has included donations from 2010-2013.

The investigation also determined that DGO 2.01, titled "General Rules of Conduct," Section 27 (Gifts, Compensation, Rewards) did not adequately address the Department's obligations concerning gifts. On January 23, 2014 the San Francisco Police Department issued Department Bulletin 14-026 (Protocol and Form for accepting Gifts, Compensation, Rewards). This Department Bulletin updated the Department's procedures by setting forth the San Francisco Administrative Code's requirements for accepting a gift. Pursuant to this Department Bulletin, officers are required to use the Donor Disclosure/Gift Acknowledgement Form, obtain permission to accept the gift by the Police Commission, and for gifts over \$10,000, obtain Board of

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

Supervisor approval. Officers are also required to complete all mandated paperwork, including the State's Fair Political Practice Commission Form 801. Lastly, all gifts once approved shall be posted on the Department's website. The Office of Citizen Complaints concluded that the conduct alleged in the complaint was the result of a policy failure and that the Department has since enhanced its procedures to comply with applicable rules governing the acceptance of gifts.