

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/14 **DATE OF COMPLETION:** 03/31/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to write an incident report.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 27, 2014.

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DATE OF COMPLAINT: 02/28/13 **DATE OF COMPLETION:** 03/11/14 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer detained the complainants' sons without justification.

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

FINDINGS OF FACT: The complainants stated that their sons were wrongfully detained.

Department records show that the complainants' sons were detained after a robbery victim pointed them (the complainants' sons) out as two of the three suspects who attempted to grab the victim's cell phone.

SFPD Department General Order 5.03 states that an 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.

The evidence established that the officer had a reasonable suspicion to detain the complainants' son. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #2 & 3: The officers transported the complainants' sons to a police station without justification.

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

FINDINGS OF FACT: Department records show that the complainants' sons were detained after a robbery victim pointed them (the complainants' sons) out as two of the three suspects who attempted to grab the victim's cell phone. The complainants' sons were then transported to the station for further investigation.

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

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DATE OF COMPLAINT: 02/28/13 **DATE OF COMPLETION:** 03/11/14 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #4: The officer photographed the complainants' sons.

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

FINDINGS OF FACT: Department records show that the complainants' sons were detained after a robbery victim pointed them (the complainants' sons) out as two of the three suspects who attempted to grab the victim's cell phone. The complainants' sons were then transported to the station where they were photographed.

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 #5: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that, according to her son, who did not respond to OCC for an interview, the named officer who released her adult son told him, "We were waiting for you guys to rob somebody, but you just couldn't do it, ha?"

The named officer 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 arrested the complainant's son without cause.

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

FINDINGS OF FACT: The complainants stated that, according to the incident report, their son was arrested based on conflicting evidence from the victim and, therefore, her son's arrest was without cause. The complainants failed to provide additional requested evidence.

The named officer has been on DP for over a year and her return to duty is uncertain. According to Department records, the named officer ordered the arrest of the complainant's son based on positive identification by a witness to a robbery, which occurred around the same location, time, and similar circumstances where other robberies had also occurred.

The evidence established the officer had probable cause for the arrest. 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 #7: The officer threatened to arrest the complainant's juvenile son.

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

FINDINGS OF FACT: The co-complainant stated the officer told him that if he would not allow her to speak with his juvenile son regarding a rash of robberies in the area, his juvenile son could be arrested when he steps out on the streets.

The named officer denied threatening the complainant's son.

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

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DATE OF COMPLAINT: 01/30/14 **DATE OF COMPLETION:** 03/31/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The department 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 March 25, 2014.

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DATE OF COMPLAINT: 02/24/14 **DATE OF COMPLETION:** 03/05/14 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **FINDING:** IO2 **DEPT. ACTION:**

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

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DATE OF COMPLAINT: 02/26/14 **DATE of COMPLETION:** 03/10/14 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The complainant was cited for jaywalking.

The complainant admitted to jaywalking.

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/26/14 **DATE OF COMPLETION:** 03/11/14 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/27/14 **DATE OF COMPLETION:** 03/04/14 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/04/14 **DATE OF COMPLETION:** 03/06/14 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/10/14 **DATE OF COMPLETION:** 03/21/14 **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 forwarded to:

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

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DATE OF COMPLAINT: 03/24/14 **DATE OF COMPLETION:** 03/24/14 **PAGE#** 1 of 1

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

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

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

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

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DATE OF COMPLAINT: 04/08/13 **DATE OF COMPLETION:** 03/06/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was parked at a white zone when the officers pulled up behind him.

The officers stated the complainant's vehicle was illegally parked at a white zone. The officers said the vehicle was parked approximately two feet from the curb, blocking the traffic lane. In addition, the officers stated the vehicle appeared abandoned in a high crime area. The complainant's vehicle had tinted windows and the lights were off, prompting the officers to further investigate.

SFPD Department General Order 5.03 states that an 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.

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

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

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

FINDINGS OF FACT: The complainant stated he was shocked to see that the officers had their hands on their guns while talking to him. The complainant stated one of the officers snatched his driver's license out of his hand. The complainant further stated one of the officers used profanity when she ordered him to remove his hands from the steering wheel.

The officers stated they were professional, while the complainant was aggressive, verbally combative, belligerent, and initially did not want to provide his driver's license. One of the officers said she had her hand on her Department issued firearm during her contact with the complainant due to officer safety, but never drew her firearm. The officers stated the vehicle was suspiciously and illegally parked with tinted windows and they approached it with caution, due to poor visibility into the vehicle. The officers denied they snatched the complainant's driver's license out of his hand. The officers also denied that they used profanity during their contact with the complainant.

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

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DATE OF COMPLAINT: 04/08/13 **DATE OF COMPLETION:** 03/06/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5: The officer issued a citation to the complainant without cause.

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

FINDINGS OF FACT: The complainant acknowledged that he stopped and parked his vehicle in a white zone for approximately forty-five minutes. The complainant stated he was waiting and searching for an acquaintance to provide him with some food.

The officers stated the complainant's vehicle was double-parked in a no parking area, in violation of California Vehicle Code section 22500H. The officers said the complainant's vehicle obstructed the only one lane and impeded the flow of traffic.

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

SUMMARY OF ALLEGATIONS #6 & 7: The officers engaged in biased policing, due to race.

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

FINDINGS OF FACT: The complainant stated the officers racially profiled him.

The officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officers denied the allegation. The officers stated they did not know the complainant's race prior to making contact with him and his race was not a factor in their decision to detain him.

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

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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 the OCC's jurisdiction. This complaint has been referred to the following agency:

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/02/13 **DATE OF COMPLETION:** 03/25/14 **PAGE #** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated that he was arrested for assaulting someone.

The officer stated that the victim and witnesses corroborated that the victim had been assaulted by the complainant. The victim signed a Private Person Arrest Form.

San Francisco Police Department records indicate that the complainant was arrested pursuant to a private person arrest. The officer's action was proper under DGO 5.04, Arrests by Private Persons.

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 failed to investigate.

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

FINDINGS OF FACT: The complainant stated that the officer at the scene did not ask him for his side of the story.

The officer stated that he spoke to the victim and witnesses as part of his investigation. The officer stated that the complainant was not asked for his side of the story because he was a suspect and an inspector at the station would be taking his statement.

Department records indicate that the complainant's case was assigned to an inspector who conducted the follow up investigation. The investigation is documented in a police report.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer pushed him.

The named officer and another officer denied the allegation.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer told other officers at the station that the reason for his arrest was because he wanted to commit suicide.

The officer denied the allegation.

Department records indicate that the complainant was initially taken into custody pursuant to a private person arrest.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to investigate.

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

FINDINGS OF FACT: The complainant was arrested pursuant to a private person arrest. The complainant alleged that the named officer failed to thoroughly investigate the case.

Department records indicate that the named officer's investigative steps were documented in the officer's Chronological of Investigation.

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

SUMMARY OF ALLEGATION #6: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the named officer, the complainant's ex-girlfriend of nine years, had something to do with his arrest.

The officer denied the allegation.

There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 05/02/13 **DATE OF COMPLETION:** 03/25/14 **PAGE #** 4 of 5

SUMMARY OF ALLEGATION #7: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was falsely arrested on a warrant at the Hall of Justice.

The named officer stated the arrest was made pursuant to an arrest warrant, which was confirmed by the Sheriff's Department.

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 #8: The officer used force at the scene.

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

FINDINGS OF FACT: The complainant stated that the officer handcuffed him tightly.

The officer denied the allegation.

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

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SUMMARY OF ALLEGATION #9: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he attempted to tell the officer that he had a medical condition on his hands and wrists; however, the officer told him not to speak.

The officer denied the allegation.

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

SUMMARY OF ALLEGATION #10: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that he was denied medical treatment for his hands.

The officer denied the allegation and stated the complainant did not complain to him or ask for medical treatment.

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

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DATE OF COMPLAINT: 05/03/13 **DATE OF COMPLETION:** 03/25/14 **PAGE #1** of 9

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

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

FINDINGS OF FACT: The complainant stated he was driving down Mission Street when he encountered an older, brown Toyota Camry double-parked and blocking the lane of traffic. The complainant was unable to initially pass the vehicle and he honked his horn because traffic was building up behind him. The complainant continued driving to his destination and began to park alongside the curb. As he did so, the brown Camry pulled up along his rear left quarter-panel and three individuals in street attire exited from the brown Camry, eventually identifying themselves as San Francisco Police Department officers.

The named officer and two witness officers, who were assigned to the Muni Task Force, stated that they were driving slowly in the #2 lane, monitoring the sidewalk and bus stops for criminal activity. Although they acknowledged driving 10-15 mph in a 25 mph zone, the officers denied being double-parked, as alleged by the complainant.

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

SUMMARY OF ALLEGATIONS #2-4: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that, as he pulled past the unmarked vehicle, he yelled out his window for the driver to pull into a parking space. The complainant then proceeded to his destination. After he pulled over to park his vehicle, the plainclothes officers parked behind him. He stated that after he exited his vehicle, an officer grabbed him and immediately placed him in handcuffs. When he asked for the reason for the stop, one of the officers told him it was because he had honked at them.

The named officers all stated the complainant was driving aggressively and appeared to have “road rage”. The officers stated they stopped only to talk to the complainant about his driving, but the complainant immediately became aggressive towards them, causing them to detain him. The complainant was cited for traffic and parking infractions that were not consistent with the officers’ reported observations of the complainant’s dangerous driving.

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

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DATE OF COMPLAINT: 05/03/13 **DATE OF COMPLETION:** 03/25/14 **PAGE #2** of 9

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that, when the named officer in street attire exited the driver's seat of the vehicle, the named officer used profanity towards the complainant. The complainant did not know that the driver was an officer and assumed that the driver was confronting him because the complainant had previously honked at him.

The named officer and two witness officers denied using profanity or hearing any officer use profanity. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that, during the contact one of the three plainclothes officers placed him in handcuffs. The named officer acknowledged that he handcuffed the complainant. The incident report also stated that the named officer handcuffed the complainant.

The named officer stated that the complainant exited his vehicle in an aggressive manner, used profanity and continued acting belligerently even after realizing that the three men in street attire were officers. The named officer stated that he handcuffed the complainant because he felt officer and public safety was at risk.

Two witness officers described the complainant as being very animated and refusing to follow their orders.

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

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SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that, after he pulled over and exited his vehicle, a man exited the brown Camry and yelled, "Police!" He then grabbed the complainant's arm and said, "Give me your fucking license". The complainant also stated that after telling the officer that he intended to file a complaint, the officer called him a "fucking snitch" or a "bitch-ass snitch."

The named officer did not recall saying any of these profane statements. Two witness officers denied hearing the named officer use any profanity during their interaction with the complainant.

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

SUMMARY OF ALLEGATION #8: The officer made sexually derogatory comments.

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

FINDINGS OF FACT: The complainant stated one of the officers made several sexually derogatory comments about the complainant's mother.

The named officer did not recall making the alleged statement. He also denied that it is something he would usually say to a citizen.

Two witness officers denied hearing the named officer make the alleged statements during their interaction with the complainant.

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

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SUMMARY OF ALLEGATION #9: The officer used an unnecessary amount of force during the detention.

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

FINDINGS OF FACT: The complainant stated that, after he exited his car, an officer grabbed him by the arm. The complainant wrote in his written complaint that the same officer who grabbed his arm slammed him against his car. The complainant also stated that through the duration of the detention, the officer squeezed his arm while he was handcuffed.

The named officer described the complainant as aggravated and animated and he thought the complainant might “go after” another officer. The officer said he told the complainant to calm down and grabbed his upper arm to walk him to the sidewalk. He denied slamming the complainant against his car. He recalled that the complainant yelled a lot and described his own role was to keep the complainant stationary. He stated that, once the complainant was in handcuffs, it was possible that he held the complainant’s arm to prevent him from moving because the complainant was trying to walk around. The officer denied using any force during the detention.

The two witness officers also denied seeing any force used on the complainant and denied hearing the complainant complain of pain. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #10: The officer issued a citation without cause.

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

FINDINGS OF FACT: The named officer and his two partners were in plainclothes and driving an unmarked vehicle when they detained the complainant who had pulled his vehicle to the curb. The named officer issued the complainant a traffic citation for loud music and low tire tread. The named officer's partner issued the complainant a parking citation for prohibited parking and parking more than 18 inches from the curb.

Department General Order 9.01 states that "moving violations shall be enforced only by uniformed officers, except as provided in DGO 5.08, Non-Uniformed Officers. Department General Order 5.08 states that "non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests except ...[w]hen witnessing an aggravated situation requiring immediate action to protect life or property, e.g., drunk driving." The named officer stated that the complainant's driving created an aggravated situation that required the undercover officers' immediate action to protect life or property.

However, the citations the named officer issued do not reflect the officers' account of dangerous driving. The named officer, while acting undercover, lacked the authority to issue a traffic citation for loud music and a bald tire because this traffic enforcement activity did not require the immediate action to protect life and property as required by DGOs 5.08 and 9.01.

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

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SUMMARY OF ALLEGATION #11: The officer issued a citation without cause.

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

The named officer and his two partners were in plainclothes and driving an unmarked vehicle when they detained the complainant who had pulled his vehicle to the curb. The named officer's partner issued the complainant a traffic citation for loud music and low tire tread. The named officer then issued the complainant a parking citation for prohibited parking and parking more than 18 inches from the curb.

Department General Order 9.01 states that "moving violations shall be enforced only by uniformed officers, except as provided in DGO 5.08, Non-Uniformed Officers. Department General Order 5.08 states that "non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests except ...[w]hen witnessing an aggravated situation requiring immediate action to protect life or property, e.g., drunk driving." The named officer stated that the complainant's driving created an aggravated situation that required the officers' immediate action to protect life or property. However, the citations the named officer and the named officer's partner issued do not reflect the officers' account of dangerous driving.

Additionally, the named officer claimed that the complainant refused to pay the parking meter and cited the complainant for violating Vehicle Code §32B (prohibited parking). There is no evidence that the complainant parked in a space that was restricted or prohibited. The failure to pay a parking meter is a violation of Traffic Code §202, not Traffic Code §32B.

The named officer's partner acknowledged that he reached in and turned off the complainant's vehicle, thus corroborating the complainant's contention that he had not yet finished parking his car when the undercover officers blocked him in with their unmarked car. Thus, the citation for parking more than 18 inches from the curb is problematic in light of the complainant not yet having finished parking when the undercover officers detained the complainant. Ultimately, the named officer acting undercover lacked the authority to issue a parking citation for prohibited parking and parking too far from the curb because this traffic enforcement activity did not require immediate action to protect life and property as required by DGOs 5.08 and 9.01.

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

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SUMMARY OF ALLEGATION #12: The officer behaved inappropriately when he initiated a DMV Priority Re-Examination proceeding against the complainant without cause and proper notice.

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

FINDINGS OF FACT: The named officer initiated a DMV priority re-examination proceeding against the complainant for driver incapacity. Vehicle Code § 21061 permits an officer to issue a notice of DMV re-examination to a driver who shows signs of incapacity while committing a traffic violation. Incapacity is a serious physical injury or illness or mental impairment or disorientation that is apparent to the traffic officer. The named officer stated that the complainant's driving, the manner in which he parked his car, and his attitude toward the officers (yelling and cursing) was evidence of the driver's incapacity. The named officer acknowledged that he did not provide the complainant a copy of the Notice of Priority Re-Examination as required by law and stated on the form that the named officer signed under penalty of perjury.

The evidence established that the named officer misused the DMV procedures for requesting a re-examination of a driver. The complainant's behavior described by the named officer did not constitute driver incapacity. The named officer also failed to provide the complainant a copy of the Notice of Priority Re-Examination as required by law. The named officer's initiation of actions against the complainant appeared to be influenced by the complainant's attitude toward the officers in violation of Department General Order 2.01, Rule 9 and DGO 9.01. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department and state law, the conduct was improper.

SUMMARY OF ALLEGATION #13: 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 made several inappropriate comments. The named officer did not recall making any of the alleged statements.

The two witness officers also denied hearing the alleged statements.

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: 05/03/13 **DATE OF COMPLETION:** 03/25/14 **PAGE #8 of 9**

SUMMARY OF ALLEGATION #14: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that one of the officers yanked the handcuffs off of him in a rough manner.

The named officer stated that he was the officer who removed the complainant's handcuffs. He denied removing them in a rough manner. The two witness officers could not recall who removed the handcuffs, but denied that they were removed roughly. Both witness officers also denied that the complainant ever complained of pain during the interaction.

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

SUMMARY OF ALLEGATION #15: The officer failed to write an accurate incident report.

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

FINDINGS OF FACT:

The named officer wrote the incident report concerning the detention of the complainant. The named officer did not include the parking citation that the named officer's partner issued the complainant at the scene. The named officer also knew that the named officer's partner initiated a DMV Notice of Priority Re-Examination against the complainant for driver incapacity and did not include this information in the incident report. The parking citation occurred during the traffic arrest and thus, the narrative should have included the facts and the elements of the parking offenses. The DMV Priority Re-Examination is based specifically on the officers' observations and interactions with the complainant during this traffic arrest. SFPD's Report Writing Manual states that preparing factual and thorough incident reports is one of the most important duties of a professional police officer. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department and state law, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/13 **DATE OF COMPLETION:** 03/25/14 **PAGE #**9 of 9

SUMMARY OF OCC-ADDED ALLEGATIONS #1-4: The officers failed to comply with DGOs 5.08 and 9.01.

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

FINDINGS OF FACT: The complainant stated that, after honking and yelling at an older model, brown, Toyota Camry, the car pulled up behind him as he pulled to the curb. When the three occupants of the vehicle who were dressed in street clothes exited the vehicle, the complainant stated that he did not know the men were police officers.

The named officers were acting undercover and part of the Muni Task Force. They were in plainclothes and driving an unmarked vehicle with tinted windows when they detained the complainant who had pulled his vehicle to the curb. The named officers issued the complainant a traffic citation for loud music and low tire tread and a parking citation for prohibited parking and parking more than 18 inches from the curb.

Department General Order 9.01 states that “moving violations shall be enforced only by uniformed officers, except as provided in DGO 5.08, Non-Uniformed Officers.” Department General Order 5.08 states that “non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests except[w]hen witnessing an aggravated situation requiring immediate action to protect life or property, e.g., drunk driving.” DGO 9.01 also states that “...members shall not let the attitude of a violator influence their enforcement action.”

The named officers stated that the complainant’s driving created an aggravated situation that required the undercover officers’ immediate action to protect life or property. The named officers cited the complainant for loud music, low tire tread, prohibited parking and parking too far from the curb—infractions that do not reflect the officers’ account of dangerous driving.

Additionally, one of the named officers initiated a DMV priority re-examination proceeding of the complainant for driver incapacity. Vehicle Code § 21061 permits an officer to issue a notice of DMV reexamination to a driver who shows signs of incapacity while committing a traffic violation. Evidence of incapacity is defined as evidence, other than violations of this division, of “serious physical injury or illness or mental impairment or disorientation that is apparent to the traffic officer...” (Vehicle Code §21061 (b)).

The inconsistency between the driving the named officers reportedly witnessed and the infractions they issued in combination with initiating a priority re-examination proceeding without evidence of mental or physical incapacity and without providing the complainant proper notification as required by law have the hallmark of vindictive enforcement. The named officers’ enforcement actions against the complainant appear to be influenced by the complainant’s attitude toward the officers in violation of Department General Order 2.01, Rule 9 and DGO 9.01. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department and state law, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/13 **DATE OF COMPLETION:** 03/20/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer operated his motorcycle improperly.

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

FINDINGS OF FACT: The complainant stated that the named officer operated his motorcycle improperly by riding too closely behind her and her fiancé as they walked across a pedestrian plaza. The complainant's fiancée confirmed her account.

Two civilian witnesses stated that they did not see the officer operating his motorcycle in the improper manner described by the complainant.

CCTV video cameras in the plaza were not pointed at the location where the complainant and her fiancée were walking and, therefore, did not record the interaction described by the complainant.

The named officer denied the allegation. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer engaged in inappropriate behavior and made inappropriate statements. The complainant's fiancée confirmed her account.

The named officer denied making all but one of the inappropriate statements described by the complainant and her fiancée.

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: 05/07/13 **DATE OF COMPLETION:** 03/20/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used profanity and made rude comments.

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

FINDINGS OF FACT: The complainant stated that the named officer used profanity and made rude comments. The complainant's fiancée confirmed her account.

Two civilian witnesses stated that they did not hear the officer use profanity or make rude statements.

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

SUMMARY OF ALLEGATION #4: The officer failed to provide his name or star number.

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

FINDINGS OF FACT: The complainant stated that the officer failed to provide his name or star number when requested. The complainant's fiancée confirmed her account and stated that the named officer prevented him from photographing his nametag by holding his hand over it. The complainant's fiancé provided the OCC with a photograph he took of the named officer moving his arm in the area of his nametag. The named officer stated that he provided his name and star number when requested and denied attempting to cover his nametag. He also stated that he heard the complainant's fiancé making a phone call during which he referred to the named officer by his name and star number.

Department of Emergency Management communications records established that the complainant's fiancé called to register a complaint about the named officer but did not provide the operator with the named officer's name or star number. Two civilian witnesses stated that they did not hear anyone ask the named officer for his name or star number. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/13 **DATE OF COMPLETION:** 03/19/14 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainants stated the named officer shot and killed their dog without justification. Officers stated that they entered the complainant's residence during the execution of a search warrant, in search of a suspect confirmed as a resident at the address. The officers encountered four dogs locked inside an upstairs bedroom. Three dogs acted in a highly aggressive manner toward the officers. The officers needed to remove the dogs to search the bedroom for a suspect named in the warrant. The officers employed several non-lethal procedures to remove the dogs from the room and succeeded with three dogs.

The officers attempted to secure the aggressive fourth dog using non-lethal methods but were unsuccessful. The officers stated that the fourth dog escaped the bedroom and attacked an officer. The dog then turned and charged at the named officer who stood in a crowded area with numerous officers behind him. The named officer shot the dog once at close range, wounding the dog. The dog then ran out the door of the residence and collapsed. Animal Care and Control (ACC) was on scene and rushed the dog to a clinic, but the dog died from its injuries sustained from being shot.

The named officer denied using unnecessary force. The named officer stated that he felt fear for his safety and the safety of the other officers as the aggressive dog charged at him. He stated that he shot the dog to protect himself and the other officers from harm. The witnesses outside the house saw the dog run out the door and collapse. An officer guarding another witness pushed his head down during the incident. The officer stood in front of the witness as the wounded dog ran down the stairs, out the front door and collapsed in front of the residence.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/13 **DATE OF COMPLETION:** 03/19/14 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer sarcastically corrected her when she requested his badge number, telling her he had a “star,” not a badge.

The officer denied the allegation.

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

SUMMARY OF ALLEGATIONS #3 - 4: The officers detained the complainant and her sister without justification.

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

FINDINGS OF FACT: The complainant stated the officers detained her and her sister without justification. She stated she wanted information about the status of an ongoing search warrant execution inside her house but did not receive any. The complainant stated that when she was released, she was informed of the events that transpired. The complainant stated that the officers would not allow her to enter her residence while it was being searched.

OCC’s investigation established that the complainant and her sister were not allowed to enter their residence because the officers were executing a search warrant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/13 **DATE OF COMPLETION:** 03/19/14 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer failed to issue certificates of release or a copy of the search warrant to her or any of the relevant parties.

The officer denied the allegation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/13 **DATE OF COMPLETION:** 03/11/14 **PAGE** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was in an ongoing dispute with her building management regarding their attempts to evict her. She stated that the property manager and the property management's lawyer sent her letters. She stated that she attempted to file charges against the property manager for harassment, but officers failed to investigate.

One officer stated that he did not recall the incident, but he always does his best to take the appropriate action for all service calls. The second named officer stated that he responded to the call for service but he was unable to contact the complainant and the complainant did not return the calls from dispatch.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/13 **DATE OF COMPLETION:** 03/05/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The named officer stated the complainant was detained and cited for riding his bicycle on the sidewalk. The named officer stated he directed his recruit officer to cite the complainant for the violation.

The complainant denied riding his bicycle on the sidewalk.

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

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

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

FINDINGS OF FACT: The named officer and his recruit denied threatening the complainant and denied making inappropriate comments as alleged.

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: 07/16/13 **DATE OF COMPLETION:** 03/05/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3-4: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated the officers seized his pepper spray canister.

The named officers denied the allegation.

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

SUMMARY OF ALLEGATION #5: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The named officer and his recruit were interviewed pursuant to OCC's Biased Policing Investigation Protocol. Both denied the allegation, stating that the complainant was stopped for riding his bicycle on the sidewalk. Both officers stated that the complainant's race or ethnicity did not play a role in their decision to cite 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: 07/22/13 **DATE OF COMPLETION:** 03/31/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

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

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

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: 07/22/13 **DATE OF COMPLETION:** 03/31/14 **PAGE#** 2 of 2

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

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

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

SUMMARY OF ALLEGATION #4: The officer misused police authority.

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: 08/02/13 **DATE OF COMPLETION:** 03/04/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer detained and issued the complainant a citation without justification.

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

FINDINGS OF FACT: The named officer and another officer stated that the complainant was detained and cited for riding his skateboard on a sidewalk.

The complainant denied riding his skateboard on the sidewalk.

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

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

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

FINDINGS OF FACT: The complainant stated he was searched while being detained.

The named officer and another officer stated that the complainant was detained and cited for riding his skateboard on a sidewalk. The named officer stated that while the complainant was detained, the named officer smelled marijuana, given the named officer probable cause to search 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: 08/02/13 **DATE OF COMPLETION:** 03/04/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The named officer and another officer were interviewed pursuant to OCC Biased Policing Investigation Protocol. Both denied the allegation, stating that the complainant was detained for riding his skateboard on a sidewalk. Both stated that the complainant's race did not play a role in the complainant's detention.

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: 08/26/13 **DATE OF COMPLETION:** 03/06/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant said the officer searched him and in the process took his wallet from the complainant's pants pocket. The complainant stated the officer failed to transfer the wallet to the hospital or to book the wallet into SFPD property. The complainant said the wallet was not with his property when he was released from the hospital.

The named officer stated that all of the complainant's belongings went with the complainant to the hospital.

Witness officers denied any knowledge of the wallet or of its whereabouts. A witness at the scene denied seeing any officer in possession of a wallet.

A report prepared by a hotel staff member regarding the detention of the complainant made no reference to a wallet. The treating medical facilities had no record of the wallet. Furthermore, the Department's incident report makes no reference to a wallet having been removed from the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/29/13 **DATE OF COMPLETION:** 03/18/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to communicate with the complainant.

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

FINDINGS OF FACT: Officers arrested a suspect in the burglary of the complainant's boat. The complainant stated the investigating officer failed to respond to multiple phone messages from the complainant.

The named officer stated he received only one phone message from the complainant, which he returned. However, the complainant did not answer. The officer denied receiving additional messages from the complainant.

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

SUMMARY OF ALLEGATION #2: The officer failed to communicate with the complainant.

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

FINDINGS OF FACT: Officers arrested a suspect in the burglary of the complainant's boat. The complainant stated a supervising officer failed to provide him with requested updates about the status of the criminal prosecution and the complainant's chances for restitution. The complainant further stated the supervising officer failed to answer multiple phone and email messages.

The officer stated he provided the complainant with an incident report and a form to catalog his losses from the burglary. The officer stated his duties do not include providing prosecutorial updates or aiding victims in the pursuit of restitution. The officer stated he promptly responded to all phone messages and emails from the complainant.

Research revealed officers have no duty to provide prosecutorial updates or to advise victims regarding restitution; that responsibility lies with the prosecuting agency and the courts. Department records and evidence submitted by the complainant showed the complainant received several prompt verbal and written email responses from the named officer.

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 09/18/13 **DATE OF COMPLETION:** 03/27/14 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant said the named officer came to his house, but did not investigate the crimes reported by the complainant, detailing his allegations of theft and violence against a former caregiver.

The named officer denied failing to investigate the crimes reported by the complainant, pointing to the incident report he produced for the event, which named the former caregiver as a suspect in a miscellaneous investigation. Department records indicated that the officer went to the complainant's home, spoke to the complainant and the officer produced an incident report that recorded the complainant's allegations against a man described by the complainant as a former caregiver.

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

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

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

FINDINGS OF FACT: The complainant said the named officer came to his house, and stole papers, credit cards and a stolen check the complainant had found in a former caregiver's belongings.

The named officer denied failing to properly process property, stating that he had taken no property of the complainant, only a check that was the property of a third party, and returned it to the third party.

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 09/18/13 **DATE OF COMPLETION:** 03/27/14 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant said the named officer told him to shut up and refused to listen to the complainant. The named officer denied telling the complainant to shut up. 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: 09/20/13 **DATE OF COMPLETION:** 03/19/14 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated her husband backed their car out of the driveway and straddled the driveway and the street while she locked the front door of their home. The complainant stated after she locked the front door, she saw an officer writing her husband a ticket. The complainant said she approached the officer and explained to him that they were just leaving and that her husband had been waiting in the car for her. The complainant stated the officer was rude to her.

The officer stated he was professional during his contact with the complainant. The complainant told the OCC that her husband would not provide a statement to the OCC.

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

SUMMARY OF ALLEGATION #2: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated her husband backed their car out of the driveway and admitted that their car straddled the driveway and the street while she locked the front door of her home. The complainant stated after she locked the front door, she saw an officer writing her husband a ticket.

The officer stated he worked as the school patrol officer and had received numerous complaints of illegally parked vehicles, which created a hazard around the school area. The officer stated he wrote the parking citation because the vehicle was left unoccupied and unlawfully double-parked in the street, blocking a residential thoroughfare on a two-way street with only one lane of traffic in each direction. The officer stated the complainant's vehicle was a traffic hazard and caused several vehicles to have to stop behind the double-parked vehicle. The officer further stated he placed the parking citation on the windshield of the illegally parked vehicle.

The citation issued by the named officer documented that the parking citation was issued for the appropriate vehicle code section of the prohibited parking violation. The complainant corroborated that her vehicle was parked, stopped or left standing and straddled part of the roadway, which would constitute a violation of the cited code.

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: 10/02/13 **DATE OF COMPLETION:** 03/31/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 & 2: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant, who said he was homeless, stated he rented a Post Office Box at a specific branch. He stated that around midnight, he was working on some projects inside the Post Office lobby when he was asked to leave by the security guard. When the complainant refused, the police were called to the scene.

Department records indicate that the police received a call regarding trespassing. The complainant was escorted at the request of the security guard.

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

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

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

FINDINGS OF FACT: The complainant stated the officers escorted him out of a Post Office branch, where he had a legitimate right to be, and threw his mail on the ground outside of the facility. The complainant stated the officers also told him they were from a police district, different from the district where the incident occurred.

The officers stated they escorted the complainant out of the Post Office branch because they received a call for service indicating the complainant was trespassing. They denied throwing the complainant's belongings on the ground. The officers also denied telling the complainant they were from a different police district.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/13 **DATE OF COMPLETION:** 03/31/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5 & 6: The officers failed to provide their names and star numbers.

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

FINDINGS OF FACT: The complainant alleged the officers refused to provide their names and star numbers.

The officers stated they were in full uniform when they responded to this call for service. Accordingly, they stated they had their names and star numbers prominently displayed on their uniforms. One of the officers stated the complainant only asked for his star number, and he gave it to the complainant after the complainant asked for it. The other officer stated the complainant did not ask him for his name or star number because he was standing behind the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated that when the officers confronted him for trespassing inside the Post Office, one of the officers grabbed his arms from behind and pressed him against the counter where he was standing. The complainant admitted he was not injured or in any pain, and he did not bring this to the attention of the officers.

The named officer stated for reasons of officer safety, he grabbed the complainant from behind and by the arms. There were some pens on the counter in front of the complainant, and the named officer believed the complainant could have used one of these pens as a weapon to possibly attack him and his partner. The named officer also stated that the complainant appeared agitated by the presence of the officers and was defiant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/13 **DATE OF COMPLETION:** 03/13/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant's vehicle was towed because it was used in the commission of a felony by her son. The complainant's vehicle was placed on hold pending investigation. The complainant stated the officer failed to mention to her when her vehicle was towed that there would be fees associated with her vehicle being towed.

The named officer stated he was not required to discuss towing fees with the complainant. The named officer stated that he informed the complainant that the case involving her vehicle would be forwarded to the Investigations Unit and that any follow up would be done through that unit.

Department records show that the complainant was in contact with the assigned inspector regarding her vehicle.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/13 **DATE OF COMPLETION:** 03/26/14 **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 spoke with the officer regarding a dispute over stolen property. The complainant stated the officer was rude, yelled, and made inappropriate comments regarding the complainant's side of the story.

The officer stated he acted in a professional manner and did not yell at the complainant. The officer denied making the inappropriate statements. The officer's partner stated he did not observe the officer make inappropriate comments or exhibit inappropriate behavior. One witness stated the officer was professional and cordial. The complainant's friend stated the officer was rude and sarcastic.

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

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

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

FINDINGS OF FACT: The complainant and another man each called for police assistance during a dispute over a bicycle. The complainant agreed to give up the bicycle once the other man provided proof of ownership. The complainant stated the officer refused to examine proof of the complainant's innocence.

The officer stated the purpose of his contact with the complainant was to determine the rightful owner of the bicycle. The officer stated the other man provided proof of ownership and the complainant agreed to return the bicycle. The officer stated it was unnecessary to examine the complainant's exculpatory evidence because the complainant was not charged with possessing stolen property.

The evidence proved 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: 10/21/13 **DATE OF COMPLETION:** 03/17/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that while walking down a street to catch a bus, he came across several police officers. The complainant stated that one of the officers made rude and offensive comments.

The identity of the alleged officer has not been established. No witnesses were identified by the complainant.

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

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged that the officer used profanity when he asked the officer for his name and star number.

The identity of the alleged officer has not been established. No witnesses were identified by the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/21/13 **DATE OF COMPLETION:** 03/17/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer failed to provide his name and star number.

The identity of the alleged officer has not been established. No witnesses were identified by the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/21/13 **DATE OF COMPLETION:** 03/19/14 **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 was stopped and cited for making an illegal U-turn and for failing to show proof of insurance.

The complainant stated that when she was stopped, she inadvertently gave the named officer an expired copy of her insurance card. When the officer told her that her insurance card was expired, she pulled her insurance information using her Ipad, showing that she had recently renewed her insurance. The complainant alleged that the named officer refused to look at the information displayed on her Ipad.

The named officer denied that the complainant attempted to use her Ipad or any electronic device to show him her insurance information. The named officer's partner stated he was not in the position to see if any electronic device was shown to the named officer.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/13 **DATE OF COMPLETION:** 03/10/14 **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, a cyclist, said the named officers did not properly investigate a traffic collision and battery against him by a motorist. The complainant failed to provide additional requested evidence.

The named officers said they had found no evidence of a traffic collision and determined that a fistfight between the motorist and the cyclist was mutual combat.

One witness, the other party, said there had been a near miss in traffic, caused by the complainant and that he had struck the complainant, who assaulted his wife. Two other witnesses said they had not seen what led to the argument, which led to a physical altercation. Four witness officers said there was no evidence that they saw of a traffic accident or a battery.

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

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

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

FINDINGS OF FACT: The complainant said he reported being struck by a vehicle illegally pulling in front of his bicycle, after which he was battered by the motorist. He alleged that the named officers told him he was at fault, refused to take a report or arrest his assailant and talked him out of filing charges. The complainant acknowledged that he ultimately agreed not to press charges against his assailant.

The named officers, who handled the investigation, said they found no merit in the claims of a traffic collision, and determined the fistfight was mutual combat, told the parties they could both be charged with a misdemeanor, at which point the parties declined to sign citizen arrest forms. The named officers said that because there was no evidence of a traffic accident or injury, and because their discussion of the options available to the parties led the parties to decline to file charges, there was no requirement for a traffic accident or private person's arrest report. One witness said the complainant sparked the incident by riding his bicycle improperly and then by screaming and spitting on the witness' car and wife. Two witnesses did not see what led to the fistfight, and did not hear officers talking to the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/13 **DATE OF COMPLETION:** 03/10/14 **PAGE #2** of 2

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that a police officer who appeared to be of Asian descent used profanity in speaking to the complainant. The complainant failed to provide additional requested evidence.

Three of the responding officers were of either Asian or Filipino descent. The six officers who responded to the scene heard no officer use profanity.

Four witnesses did not hear officers speaking to the complainant or did not hear profanity.

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

SUMMARY OF ALLEGATION #6: The officer spoke and behaved inappropriately.

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

FINDINGS OF FACT: The complainant, a cyclist, stated that a police officer who appeared to be of Asian descent told him that he could not leave before he removed photos from his cell phone of a motorist with whom he had been in a traffic accident and fistfight. The complainant said the officer watched and directed the complainant specifically how to delete the photos. The complainant failed to provide additional requested evidence of the officer's identity.

Three of the responding officers who acknowledged being at the scene were of either Asian or Filipino descent. Those three officers denied ordering the complainant to delete photos. The six officers who responded to the scene said they recalled nothing about photos on the complainant's phone. One witness, the motorist, acknowledged that the complainant had taken photos of his car and acknowledged that his wife insisted to officers that the photos be deleted. The motorist also said he was told by an officer that the cyclist deleted the photos by his own choice. The motorist and three other witnesses who had been at the scene were either not present or said they did not hear an officer order the complainant to delete photos from his phone.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/06/13 **DATE OF COMPLETION:** 03/21/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that her laptop computer and other personal belongings were stolen, prompting her to go to the police station to file a police report. The complainant stated the officers she spoke with at the station refused to help her. During a Photo-Identification Process, where the complainant was shown several photos of officers who fit the description of the alleged officers, the complainant was unable to identify the alleged officers. An Officer Poll was sent to the station and the commanding officer was unable to identify the alleged officers. No witnesses were identified. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that her laptop computer and other personal belongings were stolen, prompting her to go to the police station to file a police report. The complainant stated the officers she spoke with at the station behaved inappropriately toward her.

During a Photo-Identification Process, where the complainant was shown several photos of officers who fit the description of the alleged officers, the complainant was unable to identify the alleged officers. An Officer Poll was sent to the station and the commanding officer was unable to identify the alleged officers.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/06/13 **DATE OF COMPLETION:** 03/21/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that her laptop computer and other personal belongings were stolen, prompting her to go to the police station to file a police report. The complainant stated that instead of helping her, she was detained by officers. During a Photo-Identification Process, where the complainant was shown several photos of officers who fit the description of the alleged officers, the complainant was unable to identify the alleged officers. An Officer Poll was sent to the station and the commanding officer was unable to identify the alleged officers. No witnesses were identified. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that her laptop computer and other personal belongings were stolen, prompting her to go to the police station to file a police report. The complainant stated that instead of helping her, she was detained by officers. In addition, the complainant alleged that the officers used unnecessary force. During a Photo-Identification Process, where the complainant was shown several photos of officers who fit the description of the alleged officers, the complainant was unable to identify the alleged officers. An Officer Poll was sent to the station and the commanding officer was unable to identify the alleged officers. No witnesses were identified. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/13 **DATE OF COMPLETION:** 03/25/14 **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 told a sergeant in the San Francisco Police Department Chief's Office that she had witnessed an incident of an assault and possible hate crime, but that responding officers failed to interview the victim and failed to make an arrest.

Pursuant to Department procedure, the complaint was forwarded to OCC for investigation.

The complainant did not provide any contact information that would have allowed the OCC to gather additional information regarding the alleged incident.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/13 **DATE OF COMPLETION:** 03/31/14 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated she was not using her cell phone while driving when she was pulled over for allegedly using her cell phone. The complainant admitted to using her cell phone for only one minute to call a relative, shortly after leaving her residence. The complainant provided evidence to corroborate she made a cell phone call at 0725 hours on the date of incident.

The officer stated he witnessed the complainant commit the violation. The citing officer's partner said she also witnessed the complainant commit the violation. Both officers stated the complainant admitted to calling a relative at 0725 hours, which was the approximate time they observed her driving with her cell phone to her ear.

The citation and the Event History Detail each documented that the complainant was observed talking on a hand-held cell phone while driving down a main thoroughfare. Court records indicate that the complainant was found guilty of the cell phone violation.

A preponderance of evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #2-3: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant said at the time of the traffic stop, she offered the officers evidence in the form of her cell phone call logs to document that she could not have committed the violation for which she was cited and that the officers refused to examine her logs.

Both officers stated they did not examine the complainant's cell phone call logs. One officer said she is not required to do so and that she witnessed the complainant commit the violation for which she was cited. The other officer said he explained to the complainant the process for contesting the citation.

The evidence established that officers are not required to review the complainant's cell phone call logs at the time of the issuance of the traffic citation. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/13 **DATE OF COMPLETION:** 03/31/14 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #4-5: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officers made inappropriate comments to her.

One officer stated he explained to the complainant that the violation was not a moving violation and did not count as a point against her driving record. The officer informed the complainant that the citation was similar to an “expensive parking ticket.” The officer stated he generally explains the citation in this manner, which seems to help individuals understand the level of the violation.

The other officer corroborated she told the complainant that she could have deleted the call logs from her cell phone while not in the officer’s presence. The officer said she made this comment to the complainant after she requested that they review her cell phone logs. The officer stated her statement is accurate and was meant to help the complainant understand the reason officers are not required to check phone logs. The officer said she did not intend to be accusatory towards the complainant in any way.

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: 12/04/13 **DATE OF COMPLETION:** 03/10/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers harassed homeless civilians.

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

FINDINGS OF FACT: The complainant said she observed the named officers harassing homeless civilians, speaking in demeaning tones and unnecessarily and “vehemently” “showing force.” The complainant failed to provide further requested evidence.

The named officers acknowledged being on duty at the time and location alleged by the complainant but refuted the allegations, stating that they professionally spoke and interacted with individuals to whom they were issuing citations as part of their assignment to address “quality of life” violations.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/06/13 **DATE OF COMPLETION:** 03/10/14 **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 the officer made unwanted contact with her for several months. She stated she first met the officer when he responded to her family's residence on a call for service. The complainant stated the officer's unwanted contact occurred when he was on duty.

The officer denied the allegation. He stated he responded to the complainant's family residence on numerous occasions when the complainant was intoxicated and fighting with her family. He stated he comes into contact with the complainant because she lives and works in his foot beat area.

Records of the Emergency Management Division confirmed numerous calls for service to the complainant's family residence concerning fights and assaults. The named officer responded to one of those calls.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/22/13 **DATE OF COMPLETION:** 03/21/14 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that he stopped to provide aid to a bicyclist who was lying in the roadway. Police officers arrived and asked for the complainant's ID, proof of insurance and registration. The complainant denied hitting the cyclist but did not fault the officers for thinking he was involved. The complainant stated that he took photos with his cell phone but then decided that he wanted to get his camera out of his trunk to take time-stamped photos. He stated that the officers denied him the ability to take pictures and told him he needed to leave because they needed to clear the area.

The complainant was unable to specifically identify which officer told him to leave.

Four officers who responded to the incident all denied that they issued any orders to the complainant. The officers each denied having any discussion with the complainant about taking photographs and denied telling the complainant to leave the scene. One of the officers further stated that he encourages parties involved in collisions to take photos of the scene. A second officer stated that the complainant was parked alongside a curb and not in a lane of travel, so he could have taken photos at anytime.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/13 **DATE OF COMPLETION:** 03/18/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer used profanity.

CATEGORY OF CONDUCT: D **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 March 13, 2014.

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

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 March 13, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/13 **DATE OF COMPLETION:** 03/18/14 **PAGE #2** of 2

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

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 March 13, 2014.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 13, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/19/13 **DATE OF COMPLETION:** 03/24/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer acted in an “aggressive” and “pushy” manner. She did not further specify the officer’s behavior and refused to have her statement to the OCC to be recorded.

The named officer and two witness officers stated the complainant was acting in a very “unfocused” manner. One witness officer stated that the named officer had to raise his voice in order to be heard, and that he asked the complainant to stop talking

A witness, who was a party to the underlying landlord-tenant dispute, stated the officer acted in a kind, gentle and professional manner.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/22/13 **DATE OF COMPLETION:** 03/20/14 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant reported to the police that three men wearing what appeared to be police uniforms detained him. The men were in an unmarked Crown Victoria and said they were investigating a rash of burglaries in the area. The complainant was unable to provide names, star numbers, or other identifying information on the alleged officers. After battering the complainant, the men left. The complainant did not respond to OCC's request for an interview.

The identity of the alleged officers has not been established.

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

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

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

FINDINGS OF FACT: The complainant reported to the police that a man wearing what appeared to be a police uniform assaulted him, punching him 6-7 times and slamming his face into the sidewalk, before leaving in an unmarked Crown Victoria. The complainant stated that two other men in uniform watched as the complainant was assaulted. The complainant was unable to provide names, star numbers, or other identifying information about the alleged officers.

The complainant did not respond to OCC's request for an interview.

The identity of the alleged officers has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/19/13 **DATE OF COMPLETION:** 03/03/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was released from a hospital after being detained for a psychiatric evaluation pursuant to Section 5150 of the Welfare and Institution Code. The complainant stated the hospital failed to treat his fractured right index finger, prompting him to call 911. The complainant stated the named officers arrived and ridiculed him. In addition, the complainant stated the officers discouraged him from seeking medical assistance.

The officers denied the allegation. Records indicate that the officers were dispatched to the complainant's call for a well-being check. The officers denied discouraging the complainant from seeking medical attention.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/14 **DATE OF COMPLETION:** 03/17/14 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/14 **DATE OF COMPLETION:** 03/17/14 **PAGE#** 1 of 1

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

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: 01/20/14 **DATE OF COMPLETION:** 03/26/14 **PAGE #1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers entered 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 March 3, 2014.

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

CATEGORY OF CONDUCT: CRD **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 March 3, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/31/14 **DATE OF COMPLETION:** 03/31/14 **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 was drinking beer in the park. He stated the officer approached and asked him what he was drinking. The complainant stated the officer took his beer and tried to pour it onto the complainant's head. The complainant moved out of the way, causing the officer to pour the beer on the complainant's leg.

The officer stated as he walked over to the complainant, the complainant picked up his beer and began to gulp as much beer as he could. As the officer attempted to take the beer away from the complainant, the complainant tightened his grip and fought the officer's efforts to take the beer out of his hand. The officer stated the complainant eventually lost his grip and as the officer pulled the beer bottle away, some of the beer spilled onto the complainant's leg, as well as the officer's leg.

The officer's partner stated when the named officer approached the complainant, the complainant began to chug the beer. The named officer tried to seize the beer bottle, but the complainant refused to let go of it. As a result of the bottle being yanked in different directions, the bottle got tipped and some of the beer spilled onto 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: 01/31/14 **DATE OF COMPLETION:** 03/12/14 **PAGE # 1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/14 **DATE OF COMPLETION:** 03/27/14 **PAGE#** 1 of 1

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 he was cited for failure to yield to a pedestrian. The officer told him that the citation was the result of an operation to ticket people who failed to yield to a plainclothes police officer who was attempting to cross the street in a crosswalk. The complainant stated that he did not see the officer because his head was turned. He stated that it is entrapment to conduct such an operation and it was purely a money making scheme for the city.

The complainant admitted he did not see the officer attempting to cross the street and he drove through the crosswalk. Law enforcement is permitted to conduct pedestrian stings to ensure pedestrian safety

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's behavior was inappropriate.

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

FINDINGS OF FACT: The complainant was issued a citation for failure to yield to a pedestrian in a crosswalk. The complainant stated that he was caught in a sting operation and that this behavior by the officer was entrapment. The complainant did not think this pedestrian sting was legal and was used just to raise money for the city. The complainant stated he knows that other jurisdictions also use pedestrian stings.

State and federal laws permit local police agencies to conduct pedestrian sting operations as a public safety measure. This sting operation conducted by the SFPD was funded by a federal grant.

The evidence proved that the conduct alleged did occur; however, said conduct was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/14 **DATE OF COMPLETION:** 03/25/14 **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 detained for walking against a red light without cause. The complainant stated he had no identification or driver's license. The complainant admitted to the violation.

The officer denied the allegation. When the complainant failed to provide a reliable form of photo identification at the scene, the complainant was transported to the station. At the station, the named officer identified the complainant and cited him. The complainant refused to sign the citation. The officer advised the complainant numerous times that his signature was not an admission of guilt. He explained to the complainant that failure to sign the citation would result in his being booked and taken into custody. The complainant continued to refuse to sign the citation, prompting the named officer to book him.

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

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

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

FINDINGS OF FACT: The complainant stated an officer confiscated his property at the scene.

Independent documentary evidence indicated that staff from another City and County of San Francisco agency responded to the scene 42 minutes after the complainant was transported to the station. They bagged and tagged the complainant's property and transported it to a place of safe storage, where by law, it must be stored for 90 days.

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