

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/14 **DATE OF COMPLETION:** 05/21/14 **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 was involved in a traffic collision, prompting him to call the police. The complainant stated that the officer yelled at him, pointed his index finger at him, and eventually walked away while the complainant was still talking. He further stated that the officer's tone was insulting.

The officer denied the allegation, stating that he was calm and professional during the contact.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer refused to take an accident report or arrest the other driver. He stated that the officer gave him and the other driver a slip and told them to exchange information. The complainant stated to OCC that he was dizzy but not injured and that he did not need to go to the emergency room for treatment.

The named officer stated that both parties claimed they were not injured and did not require any medical treatment. He stated that he explained to them the SFPD policy on non-injury accidents, which is to exchange information.

SFPD General Order 9.02 states in relevant part that members need not investigate or report non-injury vehicle accidents that are property damage only. In addition, if a citizen insists on a report, assure proper exchange of the Collision Information Form and if necessary, assist each party in completing them and arrange for tows and direct traffic if necessary.

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

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DATE OF COMPLAINT: 02/12/14 **DATE OF COMPLETION:** 05/30/14 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved in an intimidating and/or threatening manner.

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

FINDINGS OF FACT: The complainant wrote that he was verbally intimidated by a black male at a senior center and subsequently pushed by the man. He further wrote that the police behaved in a similar manner but without a “physical offense,” when he reported the incident at a nearby police station.

The complainant did not respond to OCC’s request for an interview in an effort to gather more information regarding the alleged incident.

An Officer Poll was sent to the station where the alleged incident occurred and came back with negative results.

The identity of the alleged officer has not been established.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 03/06/14 **DATE OF COMPLETION:** 05/23/14 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 15, 2014.

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

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 May 15, 2014.

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

SUMMARY OF ALLEGATION #1: The officer failed to conduct traffic enforcement.

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

FINDINGS OF FACT: The complainant stated that the officer and his partner failed to enforce traffic laws when vehicles blocked an intersection. The named officer stated that he did not recall the event. The officer stated that on the date of the incident, he was walking a foot beat in the Market Street area. The officer stated that during commute hours, vehicles sometimes do block the intersections. He stated that the area is a high crime area and that there is not an adequate amount of officers in the area to relieve traffic congestion.

No witnesses were identified by either the complainant or the named officer.

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

SUMMARY OF ALLEGATION #2: The officer failed to conduct traffic enforcement.

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

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

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DATE OF COMPLAINT: 03/18/14 **DATE OF COMPLETION:** 05/13/14 **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 should not have received a citation for parking in a parking space designated for disabled parking only. The complainant admitted he parked in a parking space designated for disabled parking only.

The officer stated that he observed the complainant parked in the space without having any placard or license plate designation allowing a vehicle to be parked in the space. The officer cited the complainant for the violation of unlawfully parking in a designated disabled parking space.

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 behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officer was threatening and unprofessional during the contact.

Witnesses did not corroborate the complainant's allegations.

A witness officer did not recall the incident.

The named officer denied the allegation and stated that his demeanor was professional throughout the contact.

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

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 19, 2014.

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

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

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

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DATE OF COMPLAINT: 04/04/14 **DATE OF COMPLETION:** 05/19/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer detained him without justification.

Department records indicated that the complainant was detained pursuant to Welfare and Institutions Code section 5150, which states, in part:

When a person, as a result of a mental health disorder, is a danger to other, or to himself or herself, or gravely disabled, a peace officer...upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment in a facility designated by the county for evaluation and treatment and approved by the State Department of Health Care Services.

Records also indicated that the Department of Emergency Management received a 9-1-1 regarding a person with a knife. According to the incident report, the responding officers were told that the complainant had broken a window and that the complainant was in the hallway erratically waving around a sword. Based on the information gathered by the named officer, he determined that the complainant was a danger to himself or others.

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

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

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

FINDINGS OF FACT: The complainant stated that his sister, with whom he was living, called the police because he was trying to gain entry into their father's room. Two officers arrived, but the complainant, who stated that he was delirious, thought they were paramedics. When the named officer attempted to grab him, the complainant pulled away. As her partner approached and attempted to grab him, the complainant deflected the officer's arms and put his hands and arms up to deflect attempts to strike him. The complainant stated the named officer punched him in the face and head and kicked him repeatedly. She attempted to strike him with a baton, but he stepped aside and avoided being struck. The named officer then struck him twice with a baton in the back of the skull and the upper back. The complainant stated he successfully resisted the two officers' attempts to grab and subdue him, including escaping from two chokeholds. He moved down the long hallway where the struggle was taking place, out the front door, and onto the porch, where he encountered other officers and resisted their attempts to subdue him. The complainant stated that unidentified officers attempted to choke him from behind, struck him in the face with fists, struck him multiple times in the back and legs with a baton, kicked him and threw him down a flight of stairs.

The complainant's sister stated she told the complainant not to break into their father's room. When the complainant grabbed her, their father called the police. When the officers arrived, one of them reached for her handcuffs, and the complainant began backing away from them. The complainant's sister then locked herself in her room. She heard the officers tell the complainant that they just wanted to talk to him, then heard the sounds of a scuffle and people falling in the hallway. She heard the front door slam, looked out her window and saw the complainant on the porch outside. She saw multiple officers attempting to force the complainant, who was hunched over, to the ground. She saw officers striking the complainant with batons and with their fists as the complainant wrestled with them, and saw an officer attempt to spray the complainant. The spray canister was knocked aside and this officer then kicked the complainant in the side of the head.

The complainant's father stated that the complainant has mental health problems and suffers from panic attacks during which the complainant becomes very paranoid. On the date of this incident, the complainant had not taken his psychiatric medications and attempted to force his way into his father's room. The complainant's father stated he called the police because he wanted the complainant to be taken to a hospital for a psychiatric evaluation. The complainant's father was in his room when the officers arrived and heard, but did not see, a struggle in the narrow hallway outside his bedroom.

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Department records indicated the complainant's father's call to the police was dispatched as a fight in progress involving the complainant, who was known to have mental health issues and who was trying to break into his father's room. The complainant's father told the dispatch operator that the complainant had a metal object in his hand.

The complainant's medical records documented facial abrasions and eye swelling consistent with being sprayed in the face with OC spray.

The named officer stated she knew the complainant had mental health issues because she had been dispatched to this location the previous day. The officer stated that when she and her partner arrived, she saw the complainant in the narrow hallway. She stated she attempted to handcuff the complainant so she could investigate and determine whether he met the criteria for a psychiatric evaluation. When she attempted to grab the complainant's wrist, he repeatedly pulled away from her. She and her partner attempted to restrain the complainant in the narrow hallway, but the complainant, who was physically larger than they were, successfully resisted them. She stated she punched the complainant in the shoulder because he was struggling with her and her partner and resisting being handcuffed. She denied striking the complainant anywhere else and denied striking him with a baton, choking him or throwing him down a flight of stairs.

The named officer's partner confirmed her account. One witness officer stated that when he arrived, he saw the named officer and her partner struggling with the complainant on the porch, but did not see the named officer strike or kick the complainant. Another witness officer stated that when he arrived, he saw three officers struggling with the complainant on the porch. He saw the named officer's partner strike the complainant with his baton and saw the other officer apply the carotid restraint, but did not see the named officer strike the complainant.

A civilian witness who lives in the same building as the complainant's sister stated that she heard screaming and shouting coming from the porch of her building and saw officers running towards the porch. She saw the complainant lying on his side, kicking and jerking his body, and saw officers attempting to hold him down and restrain him. She stated that she did not see any officer strike or kick the complainant. Another civilian witness who lives in the building stated that she heard a rumbling sound and saw numerous police officers on the porch, but did not see any force used on anyone and did not see the complainant being arrested.

A canvass of the area did not identify any other witnesses. The complainant's statements indicate that he successfully resisted the attempts of multiple officers who used physical control, OC spray, carotid restraint and baton strikes in an attempt to detain and handcuff him. His statements indicated that much of the force used by the named officer was proper. The named officer denied using some of the force

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described by the complainant. The complainant's medical records do not document injuries consistent with all the force he described the named officer using, including a baton strike to the back of the head, which would constitute a violation of Department policy.

While a preponderance of the evidence established that much of the force used by the named officer was proper, there was insufficient evidence to prove or disprove whether this officer used all of the force described by the complainant.

Therefore, there was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that his sister, with whom he was living, called the police because he was trying to gain entry into their father's room. Two officers arrived, but the complainant, who stated that he was delirious, thought they were paramedics. When the one officer attempted to grab him, the complainant pulled away. As her partner approached and attempted to grab him, the complainant deflected the officer's arms and put his hands and arms up to deflect attempts to strike him. The complainant stated the named officer punched him in the face and attempted to place him in a chokehold from which he escaped by pulling the officer's arms from around his neck. The complainant stated he successfully resisted the two officers' attempts to grab and subdue him and moved down the long hallway where the struggle was taking place, out the front door, and onto the porch, where he encountered other officers and resisted their attempts to subdue him. The complainant stated that unidentified officers attempted to choke him from behind, struck him in the face with fists, struck him multiple times in the back and legs with a baton, kicked him and threw him down a flight of stairs.

The named officer stated that his partner attempted to detain the complainant, who successfully resisted her attempts to grab his wrists. The named officer stated that he punched the complainant in the jaw once or twice as a distraction technique as he attempted to apply a carotid restraint on the complainant, who was taller and heavier than he was. The named officer was unsuccessful at applying the carotid restraint. As the complainant moved down the hallway towards the front door, the named officer broadcast a request for help with a resisting subject. The complainant went out the front door onto a porch. The first backup officer to arrive jabbed the complainant with his baton, then sprayed him with OC spray.

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The named officer stated that he struck the complainant in the legs with his baton as the complainant was resisting on the porch and that three or four officers were eventually able to handcuff the complainant after one of the backup officers applied a carotid restraint. The named officer denied delivering any other strikes, blows, kicks or punches to the complainant and stated that he didn't recall how the complainant went from the stairs to the sidewalk. He denied throwing the complainant down the stairs.

The complainant's sister stated she looked out her window and saw the complainant on the porch outside. She saw multiple officers attempting to force the complainant, who was hunched over, to the ground. She saw officers striking the complainant with batons and with their fists as the complainant wrestled with them, and saw an officer attempt to spray the complainant.

The complainant's father stated he called the police because he wanted the complainant to be taken to a hospital for a psychiatric evaluation. The complainant's father was in his room when the officers arrived and heard, but did not see, a struggle in the narrow hallway outside his bedroom.

The named officer's partner confirmed his account. One witness officer stated that when he arrived, he saw the named officer and his partner struggling with the complainant on the porch, but did not see the named officer strike or kick the complainant. Another witness officer stated that when he arrived, he saw three officers struggling with the complainant on the porch. He saw the named officer strike the complainant with his baton and saw the other officer apply the carotid restraint.

A civilian witness who lives in the same building as the complainant's sister stated she heard screaming and shouting coming from the porch of her building and saw officers running towards the porch. She saw the complainant lying on his side, kicking and jerking his body, and saw officers attempting to hold him down and restrain him. She stated she did not see any officer strike or kick the complainant. Another civilian witness who lives in the building stated she heard a rumbling sound and saw numerous police officers on the porch, but did not see any force used on anyone and did not see the complainant being arrested.

A canvass of the area did not identify any other witnesses. The complainant's statements indicate that he successfully resisted the attempts of multiple officers who used physical control, OC spray, carotid restraint and baton strikes in an attempt to detain and handcuff him. His statements indicated that much of the force used by the named officer was proper. The named officer denied using some of the force described by the complainant.

The complainant's medical records do not document injuries consistent with all the force he described the named officer using.

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While a preponderance of the evidences established that much of the force used by the named officer was proper, there was insufficient evidence to prove or disprove whether this officer used all of the force described by the complainant.

Therefore, there was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the named officer poked him with the end of his baton in the side. This officer also sprayed the complainant in the face with pepper spray, but the complainant was able to knock his hand away, causing the pepper spray to go back into the officer's face. The complainant stated that unidentified officers attempted to choke him from behind, struck him in the face with fists, struck him multiple times in the back and legs with a baton, kicked him and threw him down a flight of stairs.

The named officer stated he was the first backup officer to arrive to assist two officers who requested assistance with a resisting subject. When he arrived, the two officers were struggling with the complainant, who was physically larger than them, on a porch. The named officer stated he jabbed the complainant once in the stomach with the end of his baton, but the complainant then knocked the baton out of his hands. The named officer stated he sprayed the complainant in the face with OC spray, which appeared to have no effect. The complainant flailed his arms, knocking the named officer's hand aside and causing the named officer to spray himself in the face with his OC spray. The named officer and the complainant fell down the stairs leading to the street. The named officer stated he then applied a carotid restraint to the complainant, causing the complainant to lose consciousness. The named officer denied delivering any other strikes with his baton to the complainant, denied punching or kicking the complainant and denied intentionally throwing the complainant down the stairs.

The two officers who the named officer arrived to assist confirmed his account. Another witness officer stated that when he arrived, he saw three officers struggling with the complainant on the porch. He saw the named officer apply the carotid restraint to the complainant but did not see the named officer strike the complainant.

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The complainant's sister stated that she looked out her window and saw the complainant on the porch outside. She saw multiple officers attempting to force the complainant, who was hunched over, to the ground. She saw officers striking the complainant with batons and with their fists as the complainant wrestled with them, and saw an officer attempt to spray the complainant.

A civilian witness who lives in the same building as the complainant's sister stated that she heard screaming and shouting coming from the porch of her building and saw officers running towards the porch. She saw the complainant lying on his side, kicking and jerking his body, and saw officers attempting to hold him down and restrain him. She stated that she did not see any officer strike or kick the complainant.

Another civilian witness who lives in the building stated that she heard a rumbling sound and saw numerous police officers on the porch, but did not see any force used on anyone and did not see the complainant being arrested.

A canvass of the area did not identify any other witnesses. The complainant's statements indicated that he successfully resisted the attempts of multiple officers to detain him using physical control, OC spray, carotid restraint and baton strikes. His statements indicated that much of the force used by the named officer was proper. The named officer denied using some of the force described by the complainant. The complainant's medical records do not document injuries consistent with all the force he described the named officer using.

While a preponderance of the evidence established that much of the force used by the named officer was proper, there was insufficient evidence to prove or disprove whether this officer used all of the force described by the complainant.

Therefore, there was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that an unidentified officer attempted to choke him from behind, struck him in the face with fists, struck him multiple times in the back and legs with a baton, kicked him and threw him down a flight of stairs. Officers at the scene denied using the force described by the complainant. The two officers who requested backup denied that any of the officers who arrived to assist them used the force described by the complainant.

The complainant's sister stated that she looked out her window and saw the complainant on the porch outside. She saw multiple officers attempting to force the complainant, who was hunched over, to the ground. She saw officers striking the complainant with batons and with their fists as the complainant wrestled with them, and saw an officer attempt to spray the complainant.

The complainant's father stated that he called the police because he wanted the complainant to be taken to a hospital for a psychiatric evaluation. The complainant's father was in his room when the officers arrived and did not see the struggle that took place on the porch.

A civilian witness who lives in the same building as the complainant's sister stated that she heard screaming and shouting coming from the porch of her building and saw officers running towards the porch. She saw the complainant lying on his side, kicking and jerking his body, and saw officers attempting to hold him down and restrain him. She stated that she did not see any officer strike or kick the complainant. Another civilian witness who lives in the building stated that she heard a rumbling sound and saw numerous police officers on the porch, but did not see any force used on anyone and did not see the complainant being arrested. A canvass of the area did not identify any other witnesses.

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

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SUMMARY OF ALLEGATION #5: The officer cited the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officer cited him for resisting arrest without cause. Records indicated the named officer signed the citation issued to the complainant for resisting arrest. The named officer stated that he did not recall who made the decision to cite the complainant and did not recall why the complainant was cited. The complainant admitted physically resisting the officers who attempted to detain him.

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

SUMMARY OF ALLEGATION #6: The officer used profanity and made rude comments.

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

FINDINGS OF FACT: The complainant stated the officer called him a “son of a bitch.” The complainant’s sister stated that as the complainant and officers were struggling on the porch, she heard unidentified officers repeatedly utter profanities and heard one officer say “son of a bitch.”

The named officer denied the allegation. Witness officers stated that they didn’t hear an officer make the statements described by the complainant. Two civilian witnesses stated that they didn’t hear the statements described by the complainant.

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

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he observed an officer smoking a cigarette while directing traffic. The complainant is anonymous and did not provide any contact information to conduct a follow up interview.

An Officer Identification Poll was sent to the district station where the incident occurred. The poll came back with negative results.

The identity of the alleged officer has not been established.

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

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

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

FINDINGS OF FACT: The complainant stated she was detained pursuant to California Welfare & Institutions Code Section 5150 without justification. The complainant declined to sign a medical records release.

The named officer is on continuing disability and is not available for an interview.

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

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

FINDINGS OF FACT: The complainant stated the officer bruised her upper right arm when he escorted her from the restaurant. She also complained of tight handcuffs. The complainant refused to sign a medical release form and medical records could not be obtained.

The named officer is on continuing disability and is not available for an interview.

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

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

FINDINGS OF FACT: The complainant stated she failed to receive a copy of an incident report in a timely manner.

OCC's investigation established that the officer who was responsible for releasing the complainant's incident report has retired and is no longer subject to Department discipline.

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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. The complaint has been referred to:

San Francisco Controller's Office
City Hall
1 Dr. Carlton P. Goodlett Plaza. Room 316
San Francisco, CA 94102

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

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

FINDINGS OF FACT: The complainant stated he was arrested without cause.

Department records indicated that the named officers were approached by the victim of a burglary and pointed out the complainant as the suspect. When the officers approached the complainant, the complainant told the officers that he was on probation. A records check showed that the complainant had a warrantless search condition and the complainant had a no bail warrant, confirmed by the San Francisco Sheriff's Department Central Warrant Bureau.

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

SUMMARY OF ALLEGATIONS #3-5: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated officers conducted a probation search of his residence. The complainant admitted he was on active probation with a search condition. In addition, the complainant stated he gave permission to the officers to search his residence.

The named officers stated they conducted a probation search of the complainant and his residence. The investigation determined that the complainant was on active probation with a search condition and that his listed address was used for residential and probation purposes.

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

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

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

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

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

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

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

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

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

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

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Room 350
San Francisco, CA 94102
(415) 554-2392

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DATE OF COMPLAINT: 05/29/13 **DATE OF COMPLETION:** 05/07/14 **PAGE #1** of 7

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

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

FINDINGS OF FACT: The complainant stated the officers arrested her juvenile daughter without cause. The complainant was not present during her daughter's arrest.

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

Department records indicated that the complainant's daughter was involved in a physical altercation with another female. During the officers' investigation, they found probable cause to arrest the complainant's daughter.

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 failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officers failed to arrest the woman who was involved in the altercation with the complainant's daughter. The complainant also alleged the officers failed to read her daughter the Miranda warnings and failed to return her phone calls.

The named officers denied the allegation. The officers stated they determined the complainant's daughter to be the primary aggressor. The officers stated they read the complainant's daughter her Miranda warnings.

No independent witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/13 **DATE OF COMPLETION:** 05/06/14 **PAGE #2 of 7**

SUMMARY OF ALLEGATIONS #5-6: The officers failed to comply with Department General Order 7.01, Policies and Procedures for Juveniles Detention, Arrest, and Custody.

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

FINDINGS OF FACT: The complainant's 16-year-old daughter was arrested after being involved in an altercation with another female. The complainant's daughter was taken to the station where she was Mirandized and interrogated regarding the incident.

Department General Order 7.01, III.D.3.e., Policies and Procedures for Juveniles Detention, Arrest, and Custody, states, "Interrogations shall be audio recorded absent exigent circumstances."

Department records indicated that the named officers failed to audio record the complainant's interrogation.

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

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force to arrest her 16-year-old daughter. The complainant was not present during her daughter's arrest. The co-complainant stated that unnecessary force was also used against her when she tried to intervene in the complainant's daughter's arrest.

The named officer denied using unnecessary force.

A witness stated she did not hear either person complain of pain or injury at the scene.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/13 **DATE OF COMPLETION:** 05/06/14 **PAGE #3 of 7**

SUMMARY OF ALLEGATION #8: The officer made inappropriate and threatening remarks.

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

FINDINGS OF FACT: The co-complainant stated that the named officer told her not to push him and threatened to take her to jail.

The named officer denied the allegation.

Witnesses interviewed by the OCC did not hear this part of the contact.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer arrested the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant stated she was arrested without cause. The co-complainant admitted trying to intervene when she saw the complainant's daughter being arrested. The co-complainant, however, denied trying to lynch the named officer's prisoner.

Department records indicated that the complainant was taken into custody and subsequently cited for resisting arrest. Based on the co-complainant's own testimony, the officer's actions were proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/13 **DATE OF COMPLETION:** 05/06/14 **PAGE #4 of 7**

SUMMARY OF ALLEGATION #10: The officer used profanity.

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

FINDINGS OF FACT: The co-complainant stated the officer made extensive use of profanity throughout her contact with him. She further stated she overheard the officer use profanity with other persons at the scene.

The named officer denied the allegation.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The co-complainant stated that the named officer prevented her mother from taking photos.

The OCC spoke to the co-complainant's mother. She denied the alleged contact she had with the named officer.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/13 **DATE OF COMPLETION:** 05/06/14 **PAGE #5** of 7

SUMMARY OF ALLEGATION #12: The officer wrote an inaccurate and incomplete statement.

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

FINDINGS OF FACT: The co-complainant stated that the named officer's statement attached to the incident report was inaccurate. She denied that the scene was out of control and denied that the officer had his star on his outermost clothing and identified himself.

The officer denied the allegation. He stated he announced himself as a police officer and wore his police star on his outermost clothing.

A photo taken by a witness at the scene indicated the named officer had his police star on his outermost clothing while at the scene.

Department records indicated that an officer on patrol viewed a physical altercation in progress and as the officer attempted to break up the altercation, other parties interfered prompting the officer to request additional units.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/13 **DATE OF COMPLETION:** 05/06/14 **PAGE #**6 of 7

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer wrote an inaccurate and incomplete incident report.

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

FINDINGS OF FACT: There was insufficient evidence to either prove or disprove that the officer 's incident report was incomplete.

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

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

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

FINDINGS OF FACT: The named officer, a Field Training Officer (FTO), failed to properly oversee his recruit's training.

The complainant's 16-year-old daughter was arrested after being involved in an altercation with another female. The complainant's daughter was taken to the station where she was Mirandized and interrogated regarding the incident.

Department General Order 7.01, III.D.3.e., Policies and Procedures for Juveniles Detention, Arrest, and Custody, states, "Interrogations shall be audio recorded absent exigent circumstances."

Department records indicated that the named officer and his recruit failed to audio record the complainant's interrogation.

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: 05/29/13 **DATE OF COMPLETION:** 05/06/14 **PAGE #7** of 7

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

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

FINDINGS OF FACT: The named officer was the watch commander at a police station, tasked with reviewing and approving a recruit's report.

He stated he read the report, reviewed it and approved it. He acknowledged the violation of DGO 7.01, and that the officers' actions were out of policy.

The named officer denied he was responsible for taking any remedial action against the officers. He stated the juvenile had been transported to the Juvenile Justice Center and it was essentially too late to get a recorded statement. Although he was at the scene providing assistance, he stated that he was not responsible for any of the investigation, stating another supervisor who arrived first on scene was responsible.

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: 05/12/14 **DATE OF COMPLETION:** 05/20/14 **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 the following agency:

Veterans Affairs Police Department
SFVAMC-Police Operations
4150 Clement Street
San Francisco, CA 94121

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/13 **DATE OF COMPLETION:** 05/30/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer entered a building without cause.

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

FINDINGS OF FACT: The complainant stated the officer entered a college dormitory without cause.

The named officer stated that he went to the college campus at the request of a sergeant with the campus police department. He stated he entered the dormitory in response to a call for assistance from the campus police department.

Records of the college police department and Communications records established that the named officer entered the building at the request of the campus police.

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

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force by punching her in the face, grabbing and pulling her hair and beating her face against the ground, stomping on the back of her neck with his foot, striking her in the head with a baton and handcuffing her too tightly. The complainant admitted being intoxicated at the time of her arrest.

One witness officer stated that when he arrived on the scene, he saw groups of people violently yelling at officers who were attempting to place people in handcuffs and escort them out of the building. He stated that he did not see the named officer use any force on the complainant.

Three witness officers stated they did not see the named officer use any force and did not hear the complainant complain of tight handcuffs. Attempts to contact and interview civilian witnesses were unsuccessful.

A cell phone video recording of the incident posted online does not show the named officer using the force described by the complainant. The complainant's medical records do not document injuries consistent with the force she described the named officer used.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/13 **DATE OF COMPLETION:** 05/30/14 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer made a threatening statement.

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

FINDINGS OF FACT: The complainant stated that the officer threatened her and threatened another woman who was filming the complainant's arrest.

The named officer denied making the alleged threatening statements.

Three witness officers stated that he did not hear the named officer make the threatening statements.

A cell phone video posted online indicated that the person who was filming came within close proximity of officers who were attempting to arrest resisting subjects in a small area.

Attempts to contact and interview civilian witnesses were unsuccessful.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated that the officer made an arrest without cause.

The named officer stated that members of the campus police department arrested the complainant and other individuals who were trespassing in a dormitory, and that he assisted in removing these individuals from the building and having them transported to the jail.

Records of the college police department established that their officers placed the complainant and other individuals who were taken into custody under arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/13 **DATE OF COMPLETION:** 05/21/14 **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 told he was detained because he matched the description of a suspect whom police were looking for. He believes that the description fit many African American males in the area.

The named officers stated they detained the complainant based on the description provided and that, when the initial officers came to the scene to identify the complainant, he was immediately released after officers stated he was not the suspect. The complainant was given a Certificate of Release.

The CAD and CAD audio support that the complainant fit the description of the suspect.

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

SUMMARY OF ALLEGATION # 3-5: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated the officers rushed him and pushed him onto a bus seat, and that he had pain to his back.

One officer said the complainant did not want to exit the bus, so he grabbed one arm and was checking the complainant's waistband when the complainant raised his arm from down position to upward position. As the officer attempted to control the complainant's arm, the complainant fell forward onto the seat. Other officers held the complainant down when he tried to get up.

The Muni video shows the complainant pulling his arm in an upward motion away from the officer's hold. The officers stated the complainant fell onto the bench.

The complainant did not sign a medical release form. The bus driver did not respond for an interview.

There was insufficient evidence to either prove or disprove that the force used by the officers were minimally necessary to accomplish the complainant's detention.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/13 **DATE OF COMPLETION:** 05/21/14 **PAGE #** 2 of 2

SUMMARY OF ALLEGATIONS #6-7: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officers did not tell him the reason why they wanted him to step off the bus.

The named officers stated that the complainant and co-complainant were yelling and not listening and once the complainant calmed down he was told the reason for his detention.

The MUNI video documents that the co-complainant was yelling loudly throughout the incident.

The bus driver did not respond for an interview.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/13 **DATE OF COMPLETION:** 05/13/14 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: According to the Computer Aided Dispatch (CAD), the Department of Emergency Management received a 9-1-1 call regarding the complainant making threats and threatening to shoot people. It was also reported that the complainant had guns in his room.

According to the incident report, the officers responded to the call and subsequently established the complainant was a danger to himself and others, prompting the officers to detain the complainant pursuant California Welfare and Institutions Code section 5150.

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 used unnecessary force.

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

FINDINGS OF FACT: The complainant was detained pursuant to California Welfare and Institution Code section 5150. During his arrest, the complainant alleged that the officers used excessive force, ramming him into a wall. In an effort to obtain a copy of the complainant's medical records, the OCC mailed him a medical release form. The complainant failed to sign and return the medical release form.

The named officers denied the alleged use of excessive force. There were no witnesses to either prove or disprove the allegation made by the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/13 **DATE OF COMPLETION:** 05/13/14 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #5: The officer searched the complainant's residence without cause.

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

FINDINGS OF FACT: According to the Computer Aided Dispatch (CAD), the Department of Emergency Management received a 9-1-1 call regarding the complainant making threats and threatening to shoot people. It was also reported that the complainant had guns in his room.

According to the incident report, the named officer and his partner responded to the call and subsequently established the complainant was a danger to himself and others, prompting the officers to detain the complainant pursuant California Welfare and Institution Code section 5150.

The named officer admitted searching the complainant's room. Given the facts surrounding the complainant's arrest, the search was proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/13 **DATE OF COMPLETION:** 05/13/14 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The basis for the allegation is that the officer failed to have the complainant sign the “Permission to Search” form (SFPD-468) as required pursuant to Department Bulletin 11-134, Consent Searches of Private Residences, issued on June 24, 2011.

According to the Computer Aided Dispatch (CAD), the Department of Emergency Management received a 9-1-1 call regarding the complainant making threats and threatening to shoot people. It was also reported that the complainant had guns in his room.

According to the incident report, the named officer and his partner responded to the call and subsequently established the complainant was a danger to himself and others, prompting the officers to detain the complainant pursuant to California Welfare and Institutions Code section 5150. After obtaining the complainant’s consent to search his room, the named officer searched the complainant’s room looking for the guns.

Pursuant to California Welfare and Institutions Code section 8102, the named officer was justified and authorized to search the complainant’s room without the complainant’s consent. Therefore, the officer was not required to have the “Permission to Search” form signed by the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/14 **DATE OF COMPLETION:** 05/30/14 **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 forwarded to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/13 **DATE OF COMPLETION:** 05/30/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was one of several dozen people occupying a plot of land slated for development. Police officers evicted the occupiers during the early hours of the morning and the complainant watched from across the street as officers in elevated cherry-pickers extracted three men who were on wooden platforms in trees. The complainant also stated that a man in a different tree was wearing a harness attached to a rope that was tethered to keep him from falling. The complainant stated that he saw this man standing on the edge of the platform talking to the officers, then saw him fall backwards from the platform along with part of his rope. The complainant assumes that an officer cut this man's rope, causing him to fall. The complainant stated this man subsequently told him that officers cut his safety line and he fell backwards out of the tree.

One of the men who was in another tree told the complainant that he saw the first man falling from the tree. The complainant stated he and others who were evicted from the site filmed these incidents, but he failed to provide the OCC with the recorded video footage. The OCC located a video posted online that purported to be a cell phone video of the man falling from the tree. It shows what appears to be a man falling backwards off a platform in a tree. There appear to be two uniformed police officers in a cherry-picker bucket somewhat to his right. The footage is too dark to discern much detail. The complainant also stated that two officers pulled another man from a different tree into a cherry-picker bucket, and that one of the officers in the bucket punched this man in the face, while the man had his hands at his side and was not resisting.

Attempts by the OCC to contact and interview the two alleged victims of the force described by the complainant were unsuccessful. The OCC was unable to access either man's medical records to assess their injuries. Attempts to contact and interview other civilian witnesses to the incident were unsuccessful.

The named officers denied striking the first man at any time other than when he was actively resisting. They denied that the second man was attached to a rope and denied doing anything to cause this man to fall from the tree. The officers stated that this man jumped from the platform and landed on thick foam pads placed at the base of the tree by police.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/13 **DATE OF COMPLETION:** 05/13/14 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated she was sitting on the stairs to a house when the officer contacted her. The complainant stated the officer asked her for ID and asked if she had any outstanding warrants. The complainant stated she gave the officer her ID and told him she had no outstanding warrants. The complainant stated the officer walked to his vehicle, ran her information and called backup officers to the scene.

The officer stated he detained the complainant because she resembled a suspect in a robbery incident that occurred a week prior to the contact. The officer had seen a MUNI surveillance photograph of the suspect in a Crime Bulletin describing a robbery in LRV involving two female suspects and an elderly victim. The suspect in the MUNI photograph closely resembled the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/13 **DATE OF COMPLETION:** 05/13/14 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that during her detention, she pulled out her cell phone and called a relative. The complainant stated one of the officers told her to stop the call and put the phone down. When she refused, the officers dragged her to the ground and sprayed her face with pepper spray. The complainant stated one of the officers also bent her wrist.

The officers stated they ordered the complainant multiple times to put down and stop using her cell phone and each time the complainant refused to comply. The officers stated the complainant fought and struggled when they tried to take the phone from her hand, injuring all three officers, so one of the officers deployed OC spray. The officers stated the complainant also resisted after being restrained in handcuffs.

A subject matter expert stated that officers are trained that cell phones present a serious and potentially deadly officer-safety issue, because a suspect could use a cell phone to summon someone who could potentially cause harm to an officer. The expert witness stated the officers should have stopped the complainant from using her phone when the detention started. The expert witness stated it is common for a suspect to call for the assistance of unknown others, often using coded language. The expert witness stated that anything perceived to be dangerous in a detention should be halted because there is no way for an officer to know what will happen next. The expert witness stated an officer has no way of knowing the level of threat a phone call could present.

No other witnesses came forward.

There was insufficient evidence to establish the level of force necessary to control the complainant's actions.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/13 **DATE OF COMPLETION:** 05/13/14 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #5-7: The officers failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant alleged that the officers failed to read her rights.

The officers stated there was no need for them to Mirandize the complainant because no custodial interrogation took place and the complainant was never asked with any specific or incriminating questions.

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

SUMMARY OF ALLEGATIONS #8-10: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that the officers failed to take required action. The complainant stated she asked the officers water for her eyes but it took the officers 30 minutes before they could help her clean her eyes.

The officers denied the allegation. The officers stated another officer arrived on scene in reasonable time and rinsed the complainant's eyes.

The evidence shows that an officer arrived on scene and assisted the complainant. The officer arrived two minutes after the complainant was secured and a call for an ambulance was made.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/13 **DATE OF COMPLETION:** 05/13/14 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The officer cited the complainant for resisting/delaying arrest. The complainant denied that she resisted, but admitted that she refused to obey an order.

Evidence also shows that the officers were injured, suggesting that a struggle most likely occurred between the complainant and the officers.

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

SUMMARY OF ALLEGATION #12: The officer issued a citation without cause.

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

FINDINGS OF FACT: The officer also cited the complainant for battery on a police officer.

The complainant denied that she assaulted a police officer.

The named officer stated the complainant threw punches at his partner.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/13 **DATE OF COMPLETION:** 05/27/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with SFPD General Order 5.20, Language Access Services for Limited Proficient (LEP) Persons.

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

FINDINGS OF FACT: The complainant, who speaks Cantonese, stated she and her husband had a verbal argument about money that resulted in her husband driving both of them to the police station at 3:30 a.m. At the station, her husband, who speaks English, spoke with the officer at the window, later identified as the named officer. The complainant stated she requested an interpreter, but the named officer ignored her. The complainant and her husband then drove back to their house, followed by another officer who performed a civil standby. With the assistance of the officer, the complainant stated that her husband left the house.

The named officer stated that he never spoke with the complainant and that he only spoke to the complainant's husband. The named officer stated that the complainant only spoke to her husband in Chinese. The named officer stated he did not believe that the complainant needed language assistance.

Department General Order 5.20 states, in part, "When performing law enforcement functions, members shall provide free language assistance to LEP individuals whom they encounter or whenever a LEP person requests language assistance services." The named officer violated this order when he failed to provide the complainant language assistance. Without interviewing the complainant in her primary language, the named officer could not adequately establish why the complainant and her husband were seeking police assistance at 3:30 a.m. To adequately interview the complainant and investigate the incident, the named officer needed to provide the complainant language assistance.

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

SUMMARY OF ALLEGATION #2: The officer failed to comply with SFPD General Order 5.20, Language Access Services for Limited Proficient (LEP) Persons.

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

FINDINGS OF FACT: The complainant stated she was not provided language assistance.

The named officer stated he performed a civil standby at the complainant's residence at the request of another officer. The named officer stated he was told that the husband wanted to gather a few things and go elsewhere to rest. The named officer stated he never spoke to the complainant, which was corroborated by the complainant's husband. No other witnesses were identified.

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: 07/09/13 **DATE OF COMPLETION:** 05/29/14 **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 officers did not listen to him and made other threatening comments, including suggestions that they could have him arrested or detained for psychiatric evaluation.

The named officer and another officer at the scene stated the reportee had warned them that the complainant had a history of violence and psychiatric detentions. The complainant became immediately belligerent and uncooperative and refused lawful orders.

The audio recording submitted by the complainant demonstrates that the complainant was argumentative and uncooperative and that the named officer maintained a firm tone, making reasonable demands that the complainant cooperate and reasonable inquiries as to his mental health status. The audio recording also captures the named officer making a comment about finding something on the complainant to allow her to arrest him when the complainant was being argumentative. The comment does not rise to a level of misconduct.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer forced him to leave the building where he lives. The named officer denied the allegation. The audio recording submitted by the complainant demonstrates that the officers did not tell the complainant he had to leave the building. Rather, the officers told him he had to leave the area of the cafeteria, where staff had asked him to leave a group function due to his disruptive behavior.

Department of Emergency Management records show that Communications received a 9-1-1 regarding a trespasser.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/13 **DATE OF COMPLETION:** 05/01/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: In his complaint narrative, the complainant stated he was robbed and that the suspect took a cab to a nearby police station. The complainant stated he followed the suspect to the station and encountered the named officer. The complainant stated the officer used profanity, telling him to leave. The complainant did not respond to OCC's request for an interview.

The named officer denied using any profanity during his brief contact with the complainant.

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

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

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

FINDINGS OF FACT: In his complaint narrative, the complainant stated that the named officer looked at him in a threatening manner.

The named officer denied the allegation.

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: 08/16/13 **DATE OF COMPLETION:** 05/13/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was backing out her parking space, but was stopped when the officer banged on her vehicle and accused her of almost hitting him.

The officer stated that the complainant reversed out of her parking space, did not look in her mirror or turn her head while backing out, and almost hit him.

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

SUMMARY OF ALLEGATION #2: The officer damaged the complainant's vehicle.

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

FINDINGS OF FACT: The complainant stated that she was backing out her parking space, stopped to allow another vehicle to back out when the officer banged on her vehicle causing a dent.

The officer stated that the complainant reversed out of her parking space without looking in her mirror or turning her head. He stated that while trying to avoid being hit, he reflexively pushed away/slapped the complainant's rear windshield. He stated at that point the complainant turned her head back, saw him and said, "I'm sorry."

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/13 **DATE OF COMPLETION:** 05/13/14 **PAGE#** 2 of 2

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with Department regulations for documenting a traffic stop.

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

FINDINGS OF FACT: The officer stated that he did not recall if he entered the E585 data stop information, but acknowledged that he was responsible for entering the E585 data stop information for the traffic stop.

SFPD records found no evidence that the E585 data stop information was made for the traffic stop.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/13 **DATE OF COMPLETION:** 05/14/14 **PAGE #1** of 4

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

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

FINDINGS OF FACT: The complainant stated that the officer detained and cited her for failing to stop at a stop sign at an intersection where there was no stop sign.

The officer stated that he detained and cited the complainant because he saw her fail to stop at the sign.

The evidence established that there was a stop sign at the intersection.

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 made inappropriate comments and exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments and exhibited inappropriate behavior during a traffic stop.

The officer denied the allegation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/13 **DATE OF COMPLETION:** 05/14/14 **PAGE #2** of 4

SUMMARY OF ALLEGATION #3: The officer seized the complainant's property without justification.

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

FINDINGS OF FACT: The complainant stated the officer detained her for allegedly failing to stop at a stop sign. When the officer issued the complainant a citation, she refused to sign it. The complainant placed her hand on her car key, which was in the ignition, when she felt threatened by the officer, but did not recall whether she attempted to start her engine. The complainant stated the officer reached into her car and removed the key from the ignition.

The named officer stated that the complainant drove for two blocks before stopping after he activated his red lights and refused to sign the citation he presented to her. He stated that as he was standing beside the complainant's car, she started the engine and ignored his order to shut it off. The named officer stated that he reached into the complainant's car and removed the key from the ignition because he feared the complainant was going to drive off.

The evidence established that the complainant placed her hand on the key in her car's ignition after refusing to sign a citation. Given the complainant's behavior – failing to stop her car after the officer activated his red lights and refusing to sign the citation – the officer was justified in believing she might attempt to flee when she placed her hand on her ignition key.

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

SUMMARY OF ALLEGATION #4: The officer damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officer broke her car key when he removed it from the ignition. Photographs of the complainant's car key indicated that one piece of the plastic housing became detached from the rest of the key.

The named officer stated that he didn't recall any part of the key detaching from the rest of the key.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/13 **DATE OF COMPLETION:** 05/14/14 **PAGE #3** of 4

SUMMARY OF ALLEGATION #5: The officer used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant stated that she was holding onto her car key, which was in the ignition, when the officer reached into her car and removed the key from the ignition. The complainant stated that the officer grabbed her hand as he did this, causing her to experience pain in her finger.

The officer stated that he didn't recall making contact with the complainant's hand as he reached into her car and removed her key from the ignition.

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

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

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

FINDINGS OF FACT: The complainant stated the officer failed to sign the citation he issued to her.

The named officer stated he did not specifically recall signing the citation he issued to the complainant.

The evidence established that the officer failed to sign the citation.

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: 08/19/13 **DATE OF COMPLETION:** 05/14/14 **PAGE #4** of 4

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

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

FINDINGS OF FACT: The complainant stated that the officer damaged her property.

The officer did not prepare a memo documenting property damage. The officer stated that he did not prepare a memo documenting property damage because he did not think he had damaged property.

There was insufficient evidence to prove or disprove whether the officer damaged the complainant's property. Therefore, there was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/13 **DATE OF COMPLETION:** 05/02/14 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant was attending a football game at Candlestick Park when he was arrested for public intoxication and for resisting arrest. While there was evidence that the complainant was intoxicated, there was insufficient evidence to either prove or disprove that the complainant resisted.

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

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

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

FINDINGS OF FACT: The complainant was attending a football game at Candlestick Park when he was arrested for public intoxication and for resisting arrest. The complainant stated that the named officer used unnecessary force during the complainant's arrest.

The named officer stated that the complainant resisted arrest, prompting the named officer to take him to the ground.

Department General Order 5.01, Use of Force, allows officers to use whatever force is reasonable and necessary to protect others or themselves, but no more. In addition, DGO 5.01 states that the use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police tasks.

There was insufficient evidence to either prove or disprove that the force used by the officer was minimally necessary to take the complainant in custody.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/13 **DATE OF COMPLETION:** 05/02/14 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #4: The officer intentionally damaged property.

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

FINDINGS OF FACT: While the complainant was being arrested, one of his companions took out his cell phone and started video recording the arrest. The complainant stated the officer intentionally damaged his companion's cell phone by knocking it out of his hand.

While the owner of the cell phone did not come forward, one of the complainant's witnesses stated that the cell phone was not damaged.

The named officer stated the person had his phone dangerously close to the officer with its bright light shining in his eyes. The named officer stated he told the person to back up and, when he did not move back, the named officer struck his wrist out of the way, causing the cell phone to fall to the ground.

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

SUMMARY OF ALLEGATION #5: The officer interfered with rights of onlookers.

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

FINDINGS OF FACT: While the complainant was being arrested, one of his companions took out his cell phone and started video recording the arrest. The complainant stated the named officer knocked the phone off the complainant's companion's hand.

The owner of the cell phone did not come forward.

The named officer stated the person had his phone dangerously close to the officer with its bright light shining in his eyes. The named officer stated he told the person to back up and, when he did not move back, the named officer struck his wrist out of the way, causing the cell phone to fall to the ground.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/13 **DATE OF COMPLETION:** 05/02/14 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: Department policy requires an officer to document in a memorandum property that is damaged as a result of the officer's course of conduct.

The named officer stated he did not write a memorandum about the cell phone because at that time he did not know whether or not it sustained any damage as a result of his action.

The officer's partners corroborated his statement, stating that they were not aware of any damage to the phone.

A witness to the contact stated that the phone fell to the ground but was not damaged.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/13 **DATE OF COMPLETION:** 05/07/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officers told him they had a warrant to search his vehicle. The complainant stated the officers searched his vehicle and found drugs and a weapon inside. Consequently, the complainant was arrested.

The named officers stated they obtained a court-approved search warrant to search the complainant and his vehicle. The officers stated they spotted the vehicle parked on a street, and the officers subsequently executed the search warrant on the complainant and his vehicle. During the course of their search, the officers found illegal drugs on the complainant and inside his vehicle, prompting the officers to arrest the complainant.

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

SUMMARY OF ALLEGATIONS #4-7: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the officers told him they had a warrant to search his vehicle.

The officers stated they obtained a court-approved search warrant to search the complainant and his vehicle. The complainant was subsequently provided with a copy of the search warrant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/13 **DATE OF COMPLETION:** 05/07/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #8-11: The officers intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officers unnecessarily damaged his vehicle.

The named officers stated the vehicle was messy before they searched it. They took photos of the vehicle's interior before they began their search. The officers denied intentionally damaging the vehicle.

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

SUMMARY OF ALLEGATIONS #12-14: The officers failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated the officers failed to Mirandize him after they arrested him.

The officers acknowledged they did not Mirandize the complainant after they arrested him because they did not ask him any questions that related to the crime for which he was being charged.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/13 **DATE OF COMPLETION:** 05/29/14 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant was detained pursuant to Welfare and Institution Code section 5150, which, states, in part:

When a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer...upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment in a facility designated by the county for evaluation and treatment in a facility designated by the county for evaluation and treatment and approved by the State Department of Health Care Services.

Records from the Department of Emergency Management show that the Communications Division received two (2) 9-1-1 calls from a hospital and reported that the complainant had called his primary care physician stating that the complainant was suicidal. The complainant denied that he told his primary care physician that he was suicidal.

The named officer and other officers responded to the complainant's residence and detained him pursuant to Welfare and Institution Code section 5150.

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 #2-5: The officers used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant stated the officers used excessive force by jumping on top of him, tackling him and then handcuffing him.

The complainant's sister-in-law stated that although she only saw part of the contact the officers had with the complainant, she did not see any officer use any type of force on the complainant.

The named officers stated the complainant did not physically resist their attempts to detain him. Therefore, no force was used.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/13 **DATE OF COMPLETION:** 05/29/14 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #6: The officer engaged in biased policing due to gender identity.

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

FINDINGS OF FACT: The complainant was detained pursuant to Welfare and Institution Code section 5150, which, states, in part:

When a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer...upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment in a facility designated by the county for evaluation and treatment in a facility designated by the county for evaluation and treatment and approved by the State Department of Health Care Services.

Records from the Department of Emergency Management show that the Communications Division received two (2) 9-1-1 calls from a hospital and reported that the complainant had called his primary care physician stating that the complainant was suicidal. The complainant denied that he told his primary care physician that he was suicidal. The complainant alleged that he was detained for being transgender.

The named officer and other officers responded to the complainant's residence and detained him pursuant to Welfare and Institution Code section 5150. All of the involved officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol.

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

SUMMARY OF ALLEGATIONS #7-10: The officers made inappropriate comments and/or displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant, who identified himself as a transgender male, stated the officers questioned him about his gender, referred to him using female pronouns and laughed about his gender identity.

The officers denied the allegation. A witness stated that although she only saw part of the contact the officers had with the complainant, she did not see the officers treat the complainant disrespectfully or make any disparaging comment about his gender identity.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/13 **DATE OF COMPLETION:** 05/29/14 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #11-14: The officers failed to take the required action.

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

FINDINGS OF FACT: The complainant, who identifies as a transgender male, stated the officers kept referring to him using female pronouns.

SFPD General Order 2.01 section 14 states, in part, “Members shall also address the public using pronouns and titles of respect appropriate to the individual’s gender identity as expressed by the individual.”

The named officers denied the allegation.

A witness stated that although she only saw part of the contact the officers had with the complainant, she did not hear the officers refer to the complainant as a female.

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

SUMMARY OF ALLEGATIONS #15-18: The officers entered the complainant’s room without justification.

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

FINDINGS OF FACT: Records from the Department of Emergency Management show that the Communications Division received two (2) 9-1-1 calls from a hospital and reported that the complainant had called his primary care physician stating that the complainant was suicidal. The complainant denied that he told his primary care physician that he was suicidal.

The named officers responded to the complainant’s residence and detained him pursuant to Welfare and Institution Code section 5150.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/13 **DATE OF COMPLETION:** 05/29/14 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #19-20: The officers searched the complainant's room without cause.

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

FINDINGS OF FACT: Records from the Department of Emergency Management show that the Communications Division received two (2) 9-1-1 calls from a hospital and reported that the complainant had called his primary care physician stating that the complainant was suicidal. The complainant denied that he told his primary care physician that he was suicidal.

The named officers and other responded to the complainant's residence and detained him pursuant to Welfare and Institution Code section 5150.

The named officers stated that upon their entry inside the complainant's bedroom, they looked around for knives or other weapons that were in plain view.

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 #21: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant stated that the incident report was inaccurate because he denied threatening to kill himself.

Records from the Department of Emergency Management show that the Communications Division received two (2) 9-1-1 calls from a hospital and reported that the complainant had called his primary care physician stating that the complainant was suicidal.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/13 **DATE OF COMPLETION:** 05/28/14 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the arresting officer used unnecessary force to take her son into custody. She stated that her son told her that the arresting officer placed his finger down his throat and hurt his arm.

The named officer and his partner denied the allegation. The named officer stated in his OCC interview and in his report that the complainant's son made motions with his mouth indicating he could be concealing something in his mouth and ordered him to open his mouth. When the complainant's son failed to comply, the officer used a mastoid pain compliance technique. The complainant's son opened his mouth with negative results.

The OCC reviewed the medical screening form for the complainant's son and interviewed the Station Keeper on duty. The screening form indicated the complainant's son did not need or request immediate medical assistance.

The complainant's son did not provide an interview to the OCC.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/13 **DATE OF COMPLETION:** 05/27/14 **PAGE #1** of 4

SUMMARY OF ALLEGATIONS#1-2: The officers failed to comply with Department General Orders 5.08 and 9.01.

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

FINDINGS OF FACT: The complainant stated that while he was driving, he encountered a dirty white sedan in front of him traveling about five miles per hour without using its hazard lights or turn signal. The sedan continued to accelerate and de-accelerate for several blocks. At an intersection while the complainant waited behind the sedan for the traffic light to turn green, the driver's and passenger's doors of the sedan suddenly opened. Two men, dressed in street clothes, exited the sedan. One of the men approached the driver's side of the complainant's car while the other man approached the passenger door. Seeing what appeared to be badges hanging from the men's necks, the complainant complied with the officers' demand to provide his license and registration.

The named officers were acting undercover, dressed in street clothes and driving an unmarked car. They were driving slowly, scanning the streets and intersections for criminal activity such as vehicle break-ins and robberies. One named officers noticed the complainant when the complainant stopped his car about two feet behind the officers' unmarked car at an intersection. When the named officer entered the intersection and observed through his rearview mirror the complainant's car behind the officers' unmarked car, the named officer assumed the complainant had rolled through the stop sign. The named officer acknowledged that he did not actually observe the complainant roll through the stop sign. The named officer reported that the complainant continued to follow closely behind the unmarked car while the unmarked car drove slowly. The named officer also observed through his rearview mirror that the complainant looked angry and agitated. The named officers stated that they contacted the complainant because he had rolled through the stop sign, was driving too close to their vehicle and looked angry. The named officers cited the complainant for driving too close, failing to stop at a stop sign, and no proof of insurance.

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."

A preponderance of the evidence established that while in plainclothes and driving an unmarked vehicle, the named officers initiated a traffic stop and also issued a traffic citation for conduct that did not constitute an "aggravated situation requiring immediate action to protect life or property, such as drunk driving." A named officer's assumption that the complainant rolled through a stop sign without actually observing the violation, the complainant's "angry face," and the complainant's close proximity to the officers' slow moving vehicle did not meet the criteria of an aggravated situation such as a drunk driving.

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: 09/19/13 **DATE OF COMPLETION:** 05/27/14 **PAGE #2 of 4**

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

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

FINDINGS OF FACT: The complainant stated that while he was driving, he encountered a dirty white sedan in front of him traveling about five miles per hour without using its hazard lights or turn signal. The sedan continued to accelerate and de-accelerate for several blocks. At an intersection while the complainant waited behind the sedan for the traffic light to turn green, the driver's and passenger's doors of the sedan suddenly opened. Two men, dressed in street clothes exited the car. One of the men approached the driver's side of the complainant's car while the other man approached the passenger door. Seeing what appeared to be badges hanging from the men's necks, the complainant complied with the officers' demand to provide his license and registration. One officer turned off the complainant's vehicle.

The named officers were acting undercover, dressed in street clothes, and driving an unmarked car. The named officers denied that their actions constituted a traffic stop. Although one named officer informed dispatch that they were making a traffic stop, they did not request a marked unit. One named officer characterized the stop as consensual. By exiting their own car that was in front of the complainant's car in the traffic lane, surrounding the complainant on both the driver and passenger sides of his car, and demanding that the complainant put his car in park mode and provide his license, registration, and proof of insurance, the officers conducted a traffic stop.

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."

While in plainclothes and in an unmarked unit, the named officers detained the complainant by conducting a traffic stop for behavior that did not rise to meet the criteria of DGO 5.08.

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: 09/19/13 **DATE OF COMPLETION:** 05/27/14 **PAGE #3 of 4**

SUMMARY OF ALLEGATION #5: The officer cited the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that while he was driving, he encountered a dirty white sedan in front of him traveling about five miles per hour without using its hazard lights or turn signal. The sedan continued to accelerate and de-accelerate for several blocks. At an intersection while the complainant waited behind the sedan for the traffic light to turn green, the driver's and passenger's doors of the sedan suddenly opened. Two men, dressed in street clothes, exited the sedan. One of the men approached the driver's side of the complainant's car while the other man approached the passenger door. Seeing what appeared to be badges hanging from the men's necks, the complainant complied with the officers' demand to provide his license and registration.

The named officers were acting undercover, dressed in street clothes, and driving an unmarked car. They were driving slowly, scanning the streets and intersections for criminal activity such as vehicle break-ins and robberies. According to the named officer, he noticed the complainant when the complainant stopped his car about two feet behind the officers' unmarked car at an intersection. When the named officer entered the intersection and observed through his rearview mirror the complainant's car behind the officers' unmarked car, the named officer assumed the complainant had rolled through the stop sign. The named officer acknowledged that he did not actually observe the complainant roll through the stop sign. The named officer also stated that the complainant followed too closely behind the unmarked car while the unmarked car drove slowly. The named officer also observed through his rearview mirror that the complainant looked angry and agitated.

The named officer cited the complainant for failing to stop at stop sign even though the named officer acknowledged that he did not actually observe the complainant roll through the stop sign. In addition to proof problems concerning the stop sign violation, the named officer cited the complainant for traffic violations that did not rise to meet the criteria of DGO 5.08.

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: 09/19/13 **DATE OF COMPLETION:** 05/27/14 **PAGE #4 of 4**

SUMMARY OF ALLEGATION #6: The officer wrote an inaccurate citation.

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

FINDINGS OF FACT: The named officer acknowledged that he cited the complainant for violating a code section that requires traffic signals to be green, red and yellow instead of the correct code section for a stop sign violation. The named officer also acknowledged that he wrote the incorrect date on the citation. At traffic court, the named officer requested the court to dismiss the citation in the interest of justice and the court did so.

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

SUMMARY OF ALLEGATION #7: The officer failed to follow the rules of the road.

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

FINDINGS OF FACT: In his written complaint, the complainant described the named officer's driving as erratic, often accelerating and decelerating without using hazard lights or turn signals. The named officer and his partner were in plainclothes and were driving an unmarked vehicle. The named officer stated he had to drive slowly to look for criminal activity.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/13 **DATE OF COMPLETION:** 05/28/14 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer unnecessarily used his baton during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated that one of the officers used his baton in an attempt to get the complainant's arm out from underneath him.

The named officer stated the complainant resisted, refusing to place his arms behind his back. The named officer stated the complainant struggled with other officers who were trying to gain control of him, prompting the officers to take the complainant to the ground. The named officer stated he used his baton as leverage to get the complainant's right arm out from underneath him, posing a threat to officer safety. The named officer denied striking or jabbing the complainant with his baton.

A witness stated the complainant resisted, pushing against all the officers. The witness stated he did not see an officer use a baton on the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/13 **DATE OF COMPLETION:** 05/28/14 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #2 - 5: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated the officers were aggressive and used unnecessary force on him during the arrest. The complainant stated officers forcefully took him to the ground.

The officers denied using excessive force. The officers stated the complainant resisted, refusing to place his arms behind his back. The officers stated the complainant struggled with them, prompting the officers to take him to the ground.

A witness stated the complainant resisted, pushing against all the officers.

There was insufficient evidence to either prove or disprove that the level of force used by the officers was minimally necessary to take the complainant into custody.

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

SUMMARY OF ALLEGATION #6: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant was arrested for possession of stolen property (bicycle) and for resisting arrest. The complainant denied both charges.

The named officer stated that the police were notified that the complainant was in possession of a stolen bicycle. When officers attempted to detain the complainant, he resisted. The complainant was subsequently arrested for resisting arrest and the bicycle was booked into evidence.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/13 **DATE OF COMPLETION:** 05/28/14 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7: The officer failed to process property.

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

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

SUMMARY OF ALLEGATIONS #8 - 11: 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 laughed.

The named officers denied the allegation.

A witness stated the officers did not laugh at the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/13 **DATE OF COMPLETION:** 05/06/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was at a crosswalk, in a crowded area at a special event, when he observed an Asian male officer and a pedestrian arguing. The complainant stated that at the same time, he also observed a white male officer and an Asian male officer walking nearby. As the two officers walked past him, the white male officer smacked his fist into his other hand and said, "Punch him, Punch him" towards the officer who was arguing with the pedestrian. The Asian male officer then laughed at the white male officer's comments and actions and the two officers continued walking away from the scene.

The complainant provided general physical descriptions of the officers involved in this incident. The OCC reviewed Department personnel records, station personnel records and assignment sheets for the special event, but was unable to establish the identity of the alleged officers.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/10/13 **DATE OF COMPLETION:** 05/05/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was detained without justification.

The named officers stated they saw three men huddled together next to the driver's side door of an occupied vehicle in a high crime area. They stated the men were looking at an object held in one of the men's hands. The officers stated they suspected narcotics-related activity was occurring and decided to make consensual contact. One man began to quickly walk away. Another man exited his vehicle and began walking away. The officers stated the complainant was detained to conduct an investigation of possible illegal narcotics-related activity. Two witness officers supported the named officers' statements.

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

SUMMARY OF ALLEGATIONS #3 & 4: The officers damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officers damaged his 1987 Chevrolet sedan when they searched it.

Both officers denied the allegation. One officer stated the door panels were loose and only partially secured to the doorframe. He stated there was a pocket behind the doorframe, and he felt the area with his hand. He stated the vehicle had multiple broken latches, panels, tears and loosened portions.

Two witness officers stated they did not see the named officers damage the vehicle. One of those officers stated the vehicle was in poor condition.

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: 10/10/13 **DATE OF COMPLETION:** 05/05/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated the officer took \$402 from him. The complainant stated he was issued a property receipt.

The officer stated that a saleable amount of heroin was found in the complainant's car. The complainant told the officer it belonged to him. The officer stated he seized \$402 in cash from the complainant and booked it as evidence that he was selling drugs.

There was insufficient evidence to either prove or disprove that the officers had reasonable suspicion to detain the complainant.

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

SUMMARY OF ALLEGATION #6: The officer failed to return the complainant's personal property.

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

FINDINGS OF FACT: The complainant stated his California identification card was not returned to him upon release from custody.

According to the incident report, the complainant was identified by his California driver's license. One officer stated the complainant gave him some type of photo ID. The officer stated he left the scene before the complainant was taken to the station and he handed the identification to another officer. He could not recall the identity of this officer. The officer further stated the complainant's ID would have been placed in the complainant's personal property bag. A second officer stated he did not see the complainant's identification. A third officer stated he did not know who last had the complainant's ID card. He presumed it was booked with his personal property and returned to him upon his release. A fourth officer stated that the identification should have been included in the complainant's personal belongings.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/13 **DATE OF COMPLETION:** 05/30/14 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that he was hit by a car as he walked on a sidewalk near the exit of a shopping center parking lot. The complainant stated an officer at the scene was immediately biased in favor of the motorist and said the complainant was at fault.

The officers stated they impartially investigated the complainant's claim of being hit by a car. The officers stated they acted in a professional manner, interviewed both parties and witnesses, and showed no favoritism toward either the complainant or the driver. The officers denied making any inappropriate statements or telling the complainant he was at fault.

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

SUMMARY OF ALLEGATIONS #3-4: The officer failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated that he was hit by a car as he walked on a sidewalk near the exit of a shopping center parking lot. The complainant stated the investigating officers should have prepared an incident report.

The officers stated they investigated the complainant's claim he had been hit by a car. The officers stated they interviewed the complainant, the driver, and several witnesses. The officers stated an independent witness described the complainant as purposefully falling onto a stationary vehicle. The officers stated an incident report was unnecessary because both parties refused medical attention and their investigation showed the subject had fallen into a stationary vehicle, which did not amount to a traffic collision.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/28/13 **DATE OF COMPLETION:** 05/29/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she double-parked her vehicle in the street and went into a store to get water for her daughter, who remained in the car. The complainant stated the officer, who stopped to cite her for being double-parked, was rude and unprofessional. She stated she admitted her mistake and told the officer that she worked for Muni, at which point he began questioning whether a citation would affect her job. The complainant also stated he threatened to call her employer and said he could arrest her for child endangerment since she had left her car double-parked with a child inside. The complainant further added that, when she informed the officer that she would file a complaint, he told her he needed to cite her in order to cover his ass.

The officer stated he was calm, professional and extremely patient with the complainant, who was not following his commands. He denied being rude to her and denied any recollection of asking whether or not a citation would affect her job. He stated he was stern regarding the violation and that he admonished the complainant about the dangers of leaving her child in an unattended vehicle, which was in a lane of traffic. He denied threatening to call anyone and stated he had already decided to issue a citation before making contact with the complainant. The officer stated he told the complainant he was going to issue a citation, and that threatening to file a complaint against him would not change his mind.

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: 10/31/13 **DATE OF COMPLETION:** 05/05/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was cited for violation of California Vehicle Code section 24400(a), which states, in part, “A motor vehicle, other than a motorcycle, shall be equipped with at least two headlamps....” The complainant denied the violation, stating that both of his vehicle’s headlights were working.

The named officer and his partner denied the allegation, stating that they witnessed that above-mentioned violation.

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

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

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

FINDINGS OF FACT: The complainant stated that due to a traffic stop for a malfunctioning headlight, he challenged the officer’s assertion that one of the front headlights on the complainant’s vehicle was not working. The complainant stated he wanted to get out of the vehicle and show the officer that the front headlight was in fact working; however, the complainant stated the officer refused to allow him to get out of his vehicle.

The officer acknowledged that he did not allow the complainant to get out of his vehicle for two reasons. One reason was the physical geography of the location posed increased danger to the complainant of being struck and injured by another passing vehicle. The second reason was for officer safety. The officer explained that the complainant was agitated. In order to control the complainant from possibly assaulting the officer, the named officer chose to confine the complainant inside the complainant’s vehicle in order to thwart any possible assault.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/13 **DATE OF COMPLETION:** 05/23/14 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was in a public building insisting on an earlier appointment than the one that had been previously scheduled when the named officer asked him to leave.

The named officer stated that the Security Guard asked for his assistance with the complainant being verbally abusive and combative towards the staff. The named officer was asked to escort the complainant out of the building.

The Security Guard corroborated that the complainant verbally harassed a clerk and refused to leave when asked to do so. The Security Guard further corroborated that he asked the officer to remove the complainant from the building

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

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

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

FINDINGS OF FACT: The complainant stated the officer grabbed him when the complainant refused to leave. The complainant stated he was not resisting but fighting with the officer. The complainant stated the officer struck him while the officer was on top of him.

The named officer and the Security Guard denied the alleged use of force. The named officer denied hitting the complainant.

While there was sufficient evidence to prove that the complainant resisted, there was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to detain the complainant.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/13 **DATE OF COMPLETION:** 05/23/14 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant was cited for resisting arrest and for providing false identification to the officer. The complainant stated that he was not resisting, but rather fighting with the officer. The complainant also admitted providing false information to the officer.

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

SUMMARY OF ALLEGATION #4: The officer damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated his smart phone was damaged sometime during the detention, although he could not say who damaged it or when it was damaged.

The named officer stated, he never took possession of the complainant's cell phone but believed he may have seen it on the clerks counter at the time of the detention and then later saw the complainant on his cell phone after he had been released.

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: 11/04/13 **DATE OF COMPLETION:** 05/23/14 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated he asked one of the officers at the scene to remove the handcuffs and to re-handcuff him in the front of his body, due to pain caused from a preexisting injury to his left shoulder.

The named officer stated the complainant requested that he move the handcuffs to the front, but the complainant did not provide a reason for the request. The named officer stated he denied the complainant's request and told him it was not within his Department's policy to handcuff detainees with their hands in front of them.

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 #6: The officer failed to provide another officer's name upon request.

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

FINDINGS OF FACT: The complainant stated he asked one of the back up officers for the name of the officer who detained him, but the officer refused, telling the complainant that the information would be on the citation.

The back up officers denied the allegation.

Although Department General Order 2.01 section 14, states, in part, "When requested, members shall promptly and politely provide their name, star number and assignment." Department General Order 2.01 section prohibits conduct that tends to subvert the order of the Department.

There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/13 **DATE OF COMPLETION:** 05/30/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officers entered and looked into the room. Not knowing that he had the right to not let the officers in, the complainant gave them permission to enter his home.

Records from the Department of Emergency Management showed that the Communications Division received a 9-1-1 call regarding an ongoing fight or a "very heated" dispute between the complainant and his mother, prompting the officers to respond to the complainant's home. The 9-1-1 caller reported "noises, yelling, screaming, and pounding."

The named officers stated that the complainant gave them permission to enter and search his home.

Given the totality of the circumstances, the officers had the right to enter the complainant's home to do a well-being check.

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

SUMMARY OF ALLEGATIONS #4-6: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers questioned him about his mother, checking on her well-being.

Records from the Department of Emergency Management showed that the Communications Division received a 9-1-1 call regarding an ongoing fight or a "very heated" dispute between the complainant and his mother, prompting the officers to respond to the complainant's home. The 9-1-1 caller reported "noises, yelling, screaming, and pounding."

Given the nature of the call, the officers' questions and actions were proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/13 **DATE OF COMPLETION:** 05/30/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #7: The complainant stated that the named officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that the named officer was in front of his home talking to his cousin, making the complainant angry. The complainant asked the officer to leave. In response, the complainant stated the named officer pushed him.

The named officer stated he was talking to the 9-1-1 caller when the complainant came towards the caller (his cousin) in an aggressive manner, cursing at the cousin for calling the police. Positioned between the complainant and his cousin, the named officer raised his hand up to get the complainant to back away. The named officer's hand made contact with the complainant's chest, holding the complainant at bay.

The named officer's account of what happened was supported by the cousin and two witness officers, but the witness officers denied that there was any physical contact between the named officer and the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/13 **DATE OF COMPLETION:** 05/20/14 **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 was cited for failing to stop at the red light behind the crosswalk and for wearing earplugs in both ears while operating her bicycle.

The complainant admitted the violations.

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 made inappropriate comments and behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant said the officer refused to accept her Federal identification and refused to answer her questions. The complainant stated the officer behaved in an abusive, unprofessional, incompetent manner and abused his authority.

The officer stated he conducted himself in a professional manner. The officer said the complainant was argumentative.

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: 12/03/13 **DATE OF COMPLETION:** 05/20/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated she refused to sign the electronic ticket because it did not provide her with information about the violation. The complainant stated the officer threatened to arrest her and proceeded to issue her another citation with an added violation. The complainant stated the officer's behavior was retaliatory, due to her protest of the officer's conduct.

The officer denied the allegation. The officer stated that after he had prepared the original citation for the red light violation, he realized that he had forgotten to include the violation for wearing earplugs in both ears. The officer stated he prepared a new citation to include both violations.

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

SUMMARY OF ALLEGATION #4: The officer engaged in selective enforcement against bicyclists.

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

FINDINGS OF FACT: The complainant stated she believed the officer was waiting solely for bicyclists to commit violations due to an SFPD policy to increase enforcement against bicyclists. The complainant stated the officer set up a "sting operation" on a popular bike route and issued citations for minor violations. The complainant stated the officer selectively punished and harassed cyclists and his actions were biased against bicyclists.

The officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol and he denied the allegation. The officer stated that neither he nor the Department singled out bicyclists for citations. The officer said he was at the location issuing citations to any violator. The officer stated it is his job to enforce traffic laws.

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: 12/12/13 **DATE OF COMPLETION:** 05/29/14 **PAGE #1 of 3**

SUMMARY OF ALLEGATIONS #1-7: The officers behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant requested a withdrawal of his complaint. Pursuant to OCC's protocol, the complainant's request to voluntarily withdraw his complaint was recorded.

SUMMARY OF ALLEGATIONS #8-10: The officers wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant requested a withdrawal of his complaint. Pursuant to OCC's protocol, the complainant's request to voluntarily withdraw his complaint was recorded.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/13 **DATE OF COMPLETION:** 05/29/14 **PAGE #2 of 3**

SUMMARY OF ALLEGATIONS #11-17: The officers engaged in biased policing due to cultural differences.

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

FINDINGS OF FACT: The complainant requested a withdrawal of his complaint. Pursuant to OCC's protocol, the complainant's request to voluntarily withdraw his complaint was recorded.

SUMMARY OF ALLEGATIONS #18-24: The officers engaged in biased policing due to sexual orientation.

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

FINDINGS OF FACT: The complainant requested a withdrawal of his complaint. Pursuant to OCC's protocol, the complainant's request to voluntarily withdraw his complaint was recorded.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/13 **DATE OF COMPLETION:** 05/29/14 **PAGE #3 of 3**

SUMMARY OF ALLEGATIONS #25-31: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant requested a withdrawal of his complaint. The OCC protocol was followed for the withdrawal of the complaint. The withdrawal was recorded and the complainant stated that he was voluntarily and without coercion or threats withdrawing the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/14 **DATE OF COMPLETION:** 05/09/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he observed an officer using his cell phone while driving a patrol vehicle. The complainant stated the vehicle had its turn signal on but the officer was not turning. The complainant assumed the officer was distracted because he was on his cell phone. The complainant provided a vehicle number and a description of the officers in the vehicle.

Two officers were identified and acknowledged driving the identified patrol vehicle. However, neither officer could recall whether the driver officer was using a cell phone on that date and time. The named officer fit the complainant's description of the officer driving the patrol car.

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: 01/15/14 **DATE OF COMPLETION:** 05/28/14 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated she was cited even though she had ample time on the countdown to make it across the street.

The named officer stated that the hand signal was red and flashing when the complainant started to cross the street, prompting him to cite the complainant for violation of California Vehicle Code section 21456(b).

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer raised his voice and did not listen to her.

The named officer denied the allegation.

A witness officer stated that the named officer attempted to explain the reason for the citation, but the complainant talked over him and was argumentative.

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: 01/14/14 **DATE OF COMPLETION:** 05/19/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: 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 April 30, 2014.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 30, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/14 **DATE OF COMPLETION:** 05/22/14 **PAGE #** 1 of 2

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 he is a protected person in a restraining order that he filed against his neighbor. He stated that his neighbor verbally threatened him and the named officers refused to arrest her for violating the terms of his restraining order.

The officers denied the allegation. They stated that the matter was investigated and no witnesses corroborated the complainant's allegation regarding the alleged violation of the restraining order. Furthermore, the officers went to the neighbor's room but the neighbor did not respond to their knocking on her door.

One witness stated that they did not recall this specific incident because there have been many incidents regarding the complainant and his neighbor. However, the witness stated that the restrained person has mental issues and occasionally walks through the halls ranting, yet those rants are not directed at anyone in particular and the restrained has never been violent.

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: 01/17/14 **DATE OF COMPLETION:** 05/22/14 **PAGE #** 2 of 2

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 alleged that the officers made fun of him and attempted to dissuade him from following through on the enforcement of the restraining order.

The named officers denied the allegation.

No other witnesses came forward.

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

SUMMARY OF ALLEGATIONS #5-6: The officers engaged in biased policing due to the complainant's race

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

FINDINGS OF FACT: The complainant stated that the officers were bigots and they would have enforced his restraining order if he were White.

Both officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officers denied the allegation and denied that the complainant's race influenced their actions.

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: 01/31/14 **DATE OF COMPLETION:** 05/07/14 **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 the OCC's jurisdiction. This complaint has been referred to the following agency:

Veterans Affairs Police Department
SFVAMC-Police Operations
4150 Clement Street
San Francisco, CA 94121

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/14 **DATE OF COMPLETION:** 05/29/14 **PAGE #1** of 3

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

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

FINDINGS OF FACT: The complainant said the named officer detained him without justification, but acknowledged that he “may have” threatened to “bash in” the officer’s head if he did not stop touching him.

The named officer stated that, following a confrontation between the complainant and store security personnel; he attempted to calm the complainant down. When the complainant threatened the officer with bodily harm, the named officer detained him with the intent to arrest the complainant.

The security guard corroborated the threat by the complainant, and added that the complainant swung his hand toward the officer.

A video collected by the store was inconclusive as to the detailed physical actions of the officer and the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/14 **DATE OF COMPLETION:** 05/29/14 **PAGE #2** of 3

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

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

FINDINGS OF FACT: The complainant said the officer wrenched his arm behind his back, took him to his belly on the floor, then dragged him by his hand out the door of a retail store, forcing the complainant to turn his head in a way that caused great pain to his surgically repaired neck.

The named officer stated the complainant resisted when the officer attempted to handcuff him, so he used a Department-trained control hold to gain control of his arms. The officer said he lifted the complainant from the floor before escorting him out on his feet to the sidewalk and placing him against a pillar. The officer said he instructed the complainant to turn his head so the resistant detainee would not be able to spit on him as he searched the complainant for weapons.

A witness, a store security guard, confirmed that the complainant was resistant, and that the named officer handcuffed him, lifted him up and walked him outside of the store. The witness stayed inside the store and did not see what the complainant and the named officer did outside.

A store surveillance video confirmed that the complainant left the store on his own power and was not dragged by his hand. The video was inconclusive as to the detailed physical actions of the complainant and named officer during the handcuffing and while the complainant was outside.

A witness officer, who arrived while the complainant was outside, said he never heard the complainant complain of pain or injury.

No other witnesses were identified. There was insufficient evidence to determine the level of force necessary to subdue the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/14 **DATE OF COMPLETION:** 05/29/14 **PAGE #3** of 3

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

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

FINDINGS OF FACT: The complainant said the named officer handcuffed him for no reason, but acknowledged that he “may have” told the officer he would “bash [his] head in,” when the officer approached him and put a hand on his shoulder.

The named officer said he tried to calm the complainant during an encounter with store security when the complainant threatened him with bodily harm, prompting him to place the complainant in handcuffs.

A security guard, who was present, corroborated the account of the named officer.

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

SUMMARY OF ALLEGATIONS #4 & 5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant said the named officers failed to loosen his handcuffs when he told them the handcuffs were too tight, while standing outside a retail store where he was handcuffed.

The named officers said the complainant never complained to them of the handcuffs being too tight.

A witness said she did not hear the complainant speaking to officers outside the store.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/14 **DATE OF COMPLETION:** 05/20/14 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that a man at a shelter hit him over the head with a chair and that three police officers responded. The complainant stated one of the officers acted like he did not care. No arrest was made and the complainant felt like the officers did not do anything to investigate the alleged assault.

The OCC was unable to locate any calls for service or officers that matched the complainant's descriptions. An Officer Poll was sent to the station and came back with negative results.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/14 **DATE OF COMPLETION:** 05/14/14 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The department failed to take the required action on March 13, 2014.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on May 9, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/14/14 **DATE OF COMPLETION:** 05/27/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant acknowledged that he left his taxicab unattended in a loading zone. However, he felt the citation was unfair because he was waiting to drive a hotel guest to SFO, but first had to use the restroom. He stated that he was not allowed to use the hotel's restroom so he had to go across the street.

The officer stated he noticed an unattended taxicab parked in an active loading zone. He stated that the hotel requested that officers cite vehicles that are unattended in the loading zone.

A hotel staff stated unattended taxicabs in the loading zone had been a major problem at the hotel, prompting him to complain directly to the captain of their local police station. The hotel staff stated they were working with SFPD to enforce the loading zone located in front of the hotel.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/14/14 **DATE OF COMPLETION:** 05/27/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: In his written statement to OCC, the complainant, a cab driver, stated that he was cited after leaving his taxicab unattended in a loading zone in front of a hotel. The complainant stated there were limousines parked in the loading zone that were not cited. The complainant wrote, "This is discrimination." The complainant did not respond to OCC's request for an interview.

The officer stated that he noticed an unattended taxicab parked in an active loading zone. He stated that the hotel requested that officers cite vehicles that are unattended in the loading zone. The officer stated that the type of vehicle that the complainant was driving did not influence his decision to cite or not cite. He stated he cited the complainant's vehicle because it was parked in violation of posted signs.

A hotel staff stated that unattended taxicabs in the loading zone had been a major problem at the hotel, prompting him to complain directly to the captain of their local police station. The hotel staff stated they were working with SFPD to enforce the loading zone located in front of the hotel.

A preponderance of the evidence proved that the act alleged did not occur, or that the named officer was not engaged in the act alleged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/20/14 **DATE OF COMPLETION:** 05/07/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in biased policing.

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

FINDINGS OF FACT: The complainant said an unidentified officer had engaged in biased policing toward a student of the complainant but did not identify the student, the date of the event, the location or any details of the incident that would lead to an identification of the alleged officer.

The complainant failed to provide additional information.