

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/10/14 **DATE OF COMPLETION:** 06/11/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to provide identification upon request.

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

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

No witnesses were identified. The identity of the alleged officer could not be established. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer seized the co-complainant's property without cause.

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

FINDINGS OF FACT: The co-complainant stated the officer falsely accused him of bumping into him while riding his skateboard. The officer seized the skateboard and placed it inside an unmarked vehicle.

No witnesses were identified. The identity of the alleged officer could not be established. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The co-complainant stated the officer seized his skateboard and did not issue the co-complainant a property receipt or advise the co-complainant on how to get his skateboard back.

No witnesses were identified. The identity of the alleged officer could not be established. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #1-2: The officers behaved inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/20/14 **DATE OF COMPLETION:** 06/23/14 **PAGE#** 1 of 1

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

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

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

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DATE OF COMPLAINT: 03/25/14 **DATE OF COMPLETION:** 06/09/14 **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 22, 2014.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/22/14 **DATE of COMPLETION:** 06/05/14 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the named officer cited her for running a red light, a violation the complainant denied committing.

The citation showed that the complainant was cited for violating California Vehicle Code section 21453(a), which states, in part:

A driver facing a steady circular red signal alone shall stop at a marked limit line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain stopped until an indication to proceed is shown....

The named officer stated that he observed the violation, prompting him to cite the complainant.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer acted in a rude manner.

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

FINDINGS OF FACT: The complainant stated that the named officer was rude.

The named officer denied the allegation.

No witnesses were identified.

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

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DATE OF COMPLAINT: 04/06/14 **DATE OF COMPLETION:** 06/23/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The named officer and other officers entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that numerous officers entered and searched her residence.

Department records indicated that the search was done pursuant to a valid search warrant signed by a Superior Court judge.

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

SUMMARY OF ALLEGATIONS #2-4: The officers behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the officers dumped the contents of plastic containers in her kitchen onto the floor. She also stated that one of the named officers threw cigarette butts on the ground outside her residence. The complainant's son stated the officers threw his clothes on the floor and also spilled paint on the floor.

The named officers denied the allegation.

Witness officers at the scene stated they did not witness the alleged misconduct.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer hit him with a billy club for no reason.

Department records indicated that the complainant called 9-1-1 and was verbally abusive to the dispatcher. The named officer was sent to the complainant's apartment to do a well-being check.

The officer denied the allegation.

A witness who saw the named officer's interaction with the complainant also denied the alleged use of force.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer accused him of being arrested 28 times and spoke loud enough for everyone in his building to hear.

The officer denied the allegation. He stated that the complainant told him that he had been arrested a couple of times. The officer stated that dispatch notified him that the complainant had been arrested 28 times and the complainant then yelled that it was a lie.

A witness observed the interaction between the complainant and the officer, but did not hear the conversation.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 04/10/14 **DATE OF COMPLETION:** 06/10/14 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 6, 2014.

SUMMARY OF ALLEGATION #2: The officer prepared an incomplete and/or inaccurate report.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 6, 2014.

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DATE OF COMPLAINT: 04/22/14 **DATE of COMPLETION:** 06/05/14 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the named officer cited him on two occasions for failing to stop at a stop sign, which the complainant denied.

The citations showed that the complainant was cited for violating California Vehicle Code section 22450(a), which states, in part:

“The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection.”

The named officer stated that he observed the violations, prompting him to cite the complainant on two separate occasions.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/21/14 **DATE OF COMPLETION:** 06/19/14 **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 and her passenger stated that during a traffic stop, the named officer was rude, angry, yelled at them and treated them like criminals for a minor vehicle violation. The complainant stated that when the traffic stop concluded, the named officer gunned his vehicle's engine as he drove away.

The named officer described his demeanor as calm and level during the traffic stop. The officer stated that the complainant and her passenger were both very agitated, so the named officer explained to them that the citation was for a minor "fix-it" ticket to try to de-escalate the situation. The officer denied the alleged behavior and comments attributed to him.

The complainant's passenger did not contact the OCC. No other witnesses were identified.

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

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

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

FINDINGS OF FACT: During OCC's investigation into the officer's traffic stop of the complainant, the OCC received information from the SFPD Legal Division that the officer had not collected and recorded the required E585 traffic stop data pursuant to Department Bulletin 14-059.

During his OCC interview, the named officer provided a copy of his E585 Traffic Stop Report for the date of the incident. The E585 Traffic Stop Report showed that the officer collected and recorded the required information pursuant to DB 14-059 for his traffic stop of the complainant. The OCC confirmed with SFPD that the officer's traffic stop report did meet the requirements of DB 14-059.

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

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DATE OF COMPLAINT: 05/21/14 **DATE OF COMPLETION:** 06/03/14 **PAGE#** 1 of 1

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

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

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

California Highway Patrol
Office of Investigation
601 North 7th Street
P.O. Box 942898
Sacramento, CA 94298

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/21/14 **COMPLETION:** 06/17/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION: This complaint raises matters not rationally within OCC jurisdiction.

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

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

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DATE OF COMPLAINT: 05/22/14 **DATE OF COMPLETION:** 06/05/14 **PAGE#** 1 of 1

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

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

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

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DATE OF COMPLAINT: 05/29/14 **DATE OF COMPLETION:** 06/13/14 **PAGE#** 1 of 1

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

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

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

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DATE OF COMPLAINT: 05/30/14 **DATE OF COMPLETION:** 06/10/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant requested a withdrawal of the complaint.

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

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

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

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

FINDINGS OF FACT: The complainant stated the named member is his cousin. He stated he suspected that the officer initiated an unwelcome well-being check on him by the Concord Police Department in 2013.

According to the Concord police report, the named member did not initiate the well-being check.

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

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DATE OF COMPLAINT: 05/07/14 **DATE OF COMPLETION:** 06/24/14 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The department 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 SFPD, the complaint was mediated and resolved in a non-disciplinary manner on June 13, 2014.

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DATE OF COMPLAINT: 06/18/13 **DATE OF COMPLETION:** 06/05/14 **PAGE #1 of 4**

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

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

FINDINGS OF FACT: The complainant stated she was with her boyfriend when a fight broke out. Police arrived and the complainant was standing away from the fight when someone came up from behind and grabbed her. She turned to spit at the person in self-defense and her spit landed on a police officer next to her. After a struggle with the officers, she was placed under arrest even though she was only acting in self-defense, according to the complainant.

The named officer stated that he saw plainclothes officers struggling to detain the complainant. When he went to assist, the named officer stated that the complainant turned, looked straight at him, made a crude remark and spit directly in his face. A second officer arrived to help and, after a struggle, the complainant was arrested for assaulting a police officer.

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
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DATE OF COMPLAINT: 06/18/13 **DATE OF COMPLETION:** 06/05/14 **PAGE #2 of 4**

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

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

FINDINGS OF FACT: The complainant stated she was grabbed from behind by someone who she later learned was a plainclothes officer. Initially, she thought she was being attacked or robbed. In order to protect herself, she turned and spit at the person, but she accidentally hit a uniformed police officer who was moving towards her. The officer reacted by punching her in the face. The punch left swelling near her eye.

The named officer stated he saw plainclothes officers struggling to detain the complainant. When he went to assist, the named officer stated that the complainant turned, looked straight at him, made a crude remark and spit directly in his face. The named officer stated he struck the complainant in the face with a closed fist in order to prevent her from spitting at him again. He stated that he feared for his safety because spit could contain diseases.

San Francisco Police Department General Order 5.01, Use of Force, states, in part, "The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task." DGO 5.01 further states, "Officers are permitted to use whatever force is reasonable and necessary to protect other or themselves, but no more."

The evidence establishes that the named officer's use of was unreasonable and excessive given the totality of the circumstances.

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

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DATE OF COMPLAINT: 06/18/13 **DATE OF COMPLETION:** 06/05/14 **PAGE #3 of 4**

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

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

FINDINGS OF FACT: The complainant stated an officer pinned his knee into her body and pushed her face into the rough asphalt. She also stated the officer continued to twist her arm long after a struggle had stopped.

The named officer stated that he arrived to assist an officer and grabbed the complainant in a wristlock hold. He denied pushing the complainant's face into the ground as alleged.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated she was involved in a struggle with police officers. Afterwards, the officers made inappropriate comments to the effect of, "You act like a man. You get hit like one." One of the officers also said something to the effect of, "You've got your next date right there," referring to the complainant.

The officers denied saying anything inappropriate or similar to what the complainant alleged.

No independent witnesses were identified.

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

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DATE OF COMPLAINT: 06/18/13 **DATE OF COMPLETION:** 06/05/14 **PAGE #4 of 4**

SUMMARY OF ALLEGATIONS #6-7: The officers failed to provide names and star numbers upon request.

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

FINDINGS OF FACT: The complainant stated that she was arrested and she asked for the names and badge numbers of the officers. The officers refused and told her she could see their names on the police report.

The named officers stated that the complainant never asked for their names or star numbers.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #8: The officer used a sexually derogatory comment.

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

FINDINGS OF FACT: The complainant stated that she got into a struggle with a police officer. During the struggle, the officer used a sexually derogatory slur directed at her.

The named officer denied the allegation.

No independent witnesses were identified.

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

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DATE OF COMPLAINT: 06/06/14 **DATE OF COMPLETION:** 06/11/14 **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 forwarded to:

SFPD Internal Affairs Division
Administrative Unit
850 Bryant Street, Room 545
San Francisco, CA 94103

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DATE OF COMPLAINT: 06/17/13 **DATE OF COMPLETION:** 06/10/14 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that several strangers assaulted him for no apparent reason. He stated that when the officers arrived, they detained him and not the assailants. The complainant acknowledged drinking heavily that day. He denied breaking a window or assaulting anyone.

One witness stated he punched the complainant after the complainant broke his window and pushed his juvenile nephew against a gate. He stated the complainant was very intoxicated and violent.

The named officers stated they detained the complainant because the reportee identified the complainant as a suspect who had assaulted a seventeen year-old boy. The reportee told the officers he punched the complainant while defending the juvenile. The reportee subsequently placed the complainant under private person's arrest.

The officers had reasonable suspicion to detain the complaint for further investigation.

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

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with Department General Order 5.20.

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

FINDINGS OF FACT: The complainant was detained pursuant to a citizen's arrest and transported to the station, where the named member interviewed him with the assistance of a Qualified Bilingual Translator. The named member acknowledged the interview was not taped. He stated there were no exigent circumstances that prevented him from taping the interview.

SFPD Department General Order 5.20, LANGUAGE ACCESS SERVICES FOR LIMITED ENGLISH PROFICIENT (LEP) PERSONS, states that all LEP custodial interrogations shall be taped unless exigent circumstance(s) exist.

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

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SUMMARY OF ALLEGATIONS #1-4: The officers entered the residence without cause.

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

FINDINGS OF FACT: The complainant stated he answered the door to an apartment and three men were standing outside dressed in civilian clothing and they asked the complainant if he was someone else. The complainant denied being the person the men were looking for and the men shoved the door open and grabbed the complainant. All the officers went inside and they learned that the complainant was not the man they were looking for.

The officers stated they had an arrest warrant for someone. They had information that this person lived at the address where the complainant opened the door. The officers had a photo of the person who they were going to arrest and the complainant looked very similar to the photo. The complainant started to back up into the apartment and close the door and the officers crossed the threshold in order to detain the man they thought they had a warrant for. No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #5-6: The officers used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant stated he answered the door to an apartment and three men were standing outside dressed in civilian clothing. Two of the men grabbed the complainant and held on to him. They took the complainant and pinned him against a couch and wrenched his right arm painfully.

The officers stated that they believed the complainant was a man they had an arrest warrant for. After opening the door, he retreated back into the apartment. The officers grabbed the complainant and restrained him briefly until they could determine if he was the right person. They denied pinning him against the couch and wrenching his arm painfully.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #7-8: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that an officer had hold of his arm and said something to the effect of, "Stop moving or I'm going to break your arm."

The officers who had physical contact with the complainant denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #13-16: The officers detained the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he answered the door to an apartment and three men were standing outside dressed in civilian clothing and they asked the complainant if he was someone else. The complainant denied being the person the men were looking for and the men shoved the door open and grabbed the complainant.

The officers stated that they had an arrest warrant for someone. They had information that this person lived at the address where the complainant opened the door. The officers had a photo of the person who they were going to arrest and the complainant looked very similar to the photo. The complainant started to back up into the apartment and close the door and the officers detained the complainant briefly in order to determine his identity. After determining the complainant was not the man they were looking for, they left the apartment.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #9-12: The officers failed to display their names and star numbers.

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

FINDINGS OF FACT: The complainant stated that he answered the door to an apartment and three men were standing outside dressed in civilian clothing without visible badges.

The officers stated that they identified themselves as police and displayed their stars clearly before contacting the complainant.

No independent witnesses were identified.

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

SUMMARY OF OCC-ADDED ALLEGATIONS #1-2: The officers failed to provide a Certificate of Release.

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

FINDINGS OF FACT: The complainant stated that he answered the door to an apartment and three men were standing outside dressed in civilian clothing and they asked the complainant if he was someone else. The complainant denied being the person the men were looking for and the men shoved the door open and grabbed the complainant. They held on to him briefly until they saw his identification and learned he was not the person they were looking for. The detention took less than 10 minutes and the complainant was never handcuffed.

The officers stated they detained the complainant briefly because they believed he was a person they had an arrest warrant for. Once they determined he was not the right person, they released him. The officers stated that a certificate of release was unnecessary because the detention was brief, the complainant was not handcuffed and they did not move him a significant distance.

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

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

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

FINDINGS OF FACT: The complainant stated the officers told him he was stopped for speeding and having a brake light out. The complainant denied that he was speeding and checked his brake lights after the traffic stop and found them operational. The co-complainant, who was not present during the incident, stated officers had no reason to stop the complainant.

One of the named officers stated he heard and observed the complainant's vehicle accelerate at a high rate of speed through an intersection. The other named officer stated he heard a car accelerate and his partner observed the complainant's vehicle violate the speed law.

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

SUMMARY OF ALLEGATION #3: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated the officer issued him a citation for having an inoperable brake light. The co-complainant, who owns the car but was not present during the incident, stated the vehicle brake lights were operational. The complainants stated the citation was "signed off" by an officer from another police agency.

The named officer stated the complainant was speeding and driving with non-working brake lights. The officer stated he exercised discretion by only citing the complainant for the non-working brake lights. The officer's partner stated he did not remember if the complainant's brake lights were working.

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

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

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

FINDINGS OF FACT: The complainant stated he was unsure why he was stopped while driving through a residential neighborhood. The complainant denied that he was speeding and checked his brake lights after the traffic stop and found them operational. The co-complainant stated the officers stopped the complainant because of his race. The co-complainant stated he was not present during the incident.

The named officers were interviewed pursuant to the OCC Biased Policing Investigation Protocol. The officers stated they stopped the complainant for violating the speed law. The officers stated the complainant's race did not influence their decision to stop the complainant and was based solely on the vehicle code violation observed.

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

SUMMARY OF ALLEGATION #6: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated the officer impermissibly reached into the front passenger seat of his car and moved some of the complainant's belongings during a traffic stop.

The named officer stated he reached into the complainant's car and moved the complainant's belongings for general officer safety reasons. The officer failed to articulate facts indicating the complainant was dangerous or in possession of a weapon.

The evidence established the officer conducted an unreasonable seizure of property within the complainant's car.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/02/13 **DATE OF COMPLETION:** 06/13/14 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant, who was the victim of a sexual assault, said the named officer failed to respond to her calls and emails asking about the status of the investigation.

There is no Department policy imposing an affirmative duty upon SFPD members of the Investigation Bureau to notify victims of the disposition of cases where the District Attorney has declined to prosecute.

The named officer did not inform the complainant of the declination until five months later, after the complainant repeatedly called the Special Victims Unit demanding an answer.

The investigation suggests there is a lack of policy, procedure or regulation that adequately addresses communications between the Department and victims of sexual assault.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/14 **DATE OF COMPLETION:** 06/02/14 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity while detaining a woman.

The officer admitted using profanity.

Department General Order 2.01, General Rules of Conduct, requires officers to treat the public with courtesy and respect and not use harsh, profane or uncivil language.

A preponderance of the evidence proved 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 made a sexually derogatory comment.

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

FINDINGS OF FACT: The complainant stated the officer made a sexually derogatory comment by using the word “bitch” while detaining a woman.

The officer admitted using the word “bitch.”

Department General Order 2.01, General Rules of Conduct, requires officers to treat the public with courtesy and respect and not use harsh, profane or uncivil language.

A preponderance of the evidence proved 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: 09/03/13 **DATE OF COMPLETION:** 06/19/14 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant, who was not present during the co-complainant's encounter with the named officer, stated that the named officer made inappropriate comments towards his daughter, the co-complainant.

OCC's investigation established that the alleged encounter with the co-complainant did not occur.

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

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

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

FINDINGS OF FACT: The complainant, who was not present during the co-complainant's encounter with the named officer, stated that the named officer engaged in biased policing.

OCC's investigation established that the alleged encounter with the co-complainant did not occur.

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: 09/03/13 **DATE OF COMPLETION:** 06/19/14 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer detained the co-complainant without justification.

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

FINDINGS OF FACT: The complainant, who was not present during the co-complainant's encounter with the named officer, stated the named officer detained her daughter, the co-complainant, without justification.

OCC's investigation established that the alleged encounter with the co-complainant did not occur.

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: 09/04/13 **DATE OF COMPLETION:** 06/10/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that several employees reported hearing an officer use profanity.

The named officer has retired and is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant stated that his employees reported seeing the officer throw a backpack at a woman and call her a “crack head.”

The named officer has retired and is no longer subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/13 **DATE OF COMPLETION:** 06/24/14 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was stopped near a BART station with his bicycle when an unidentified man approached him and claimed the bicycle belonged to him. The complainant stated he had borrowed the bicycle from his mother and had taken BART from the east bay with the bicycle. The complainant stated an officer arrived to handle the dispute and failed to properly investigate the incident. The complainant stated the officer gave his bicycle to the unidentified man. The complainant stated the officer should have required the unidentified man to produce paperwork to prove ownership of the disputed property.

The complainant's mother corroborated that she loaned her bicycle to her son. The complainant's mother stated the complainant had been riding her bicycle for two to three weeks after his car had been damaged in a traffic accident. She said that her husband purchased the bicycle for her birthday approximately six years ago.

The named officer stated he asked questions of each of the suspects that he believed would prove proof of ownership. The officer said one of the parties demonstrated a greater knowledge of the bicycle so he determined that the bicycle belonged to that individual and released the bicycle to him.

A preponderance of the evidence established that the officer failed to properly investigate a crime that had been brought to his attention. The officer decided to conduct a brief investigation of less than two minutes, which amounted to only posing a few questions to each of the disputing persons. The officer did not generate a field card or retain their information. The officer did not query the names of the involved parties through Dispatch as part of his investigation. The officer did not attempt to contact the complainant's mother to corroborate the complainant's claims, or ask her questions to identify the bicycle. DGO 1.03 requires that patrol officers prepare an incident report in all crimes reported to him that have not previously been reported, and that officers report witness identification information and suspect descriptions to the Communications Division. The officer failed to take any of the actions required under DGO 1.03.

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: 09/11/13 **DATE OF COMPLETION:** 06/24/14 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The complainant stated the officer arrived to handle the property dispute and the officer gave his bicycle to the unidentified man. The complainant stated the officer waved at them to leave the area and the officer left the scene. The complainant's mother corroborated that she loaned her bicycle to her son.

A preponderance of the evidence established that the officer failed to properly process the property. The officer was obligated pursuant to DGO 6.15 to take the disputed property and process it for identification so that it could be received by the district station. DGO 6.15 further indicates that the serial number of bicycles be written on a property identification tag for appropriate documentation. The officer did not take possession of the bicycle to identify it as property; therefore, there was no way to further investigate the ownership of the bicycle after the unidentified man left the scene with the bicycle. DGO 6.15 requires that patrol officers prepare an incident report in all crimes reported to them and are required to book property, that which is related or possibly related to a crime, as evidence.

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 #3: The officer seized the property.

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

FINDINGS OF FACT: The complainant stated the officer took possession of his bicycle and proceeded to release his bicycle to an unidentified man. The complainant stated the officer "stole" his bicycle. The complainant's mother corroborated that she loaned her bicycle to her son.

The officer stated he took possession of the bicycle, determined the owner, and settled the dispute by giving the bicycle to the unidentified man.

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: 09/11/13 **DATE OF COMPLETION:** 06/24/14 **PAGE# 3 of 3**

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

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

FINDINGS OF FACT: As described above, while investigating a petty theft crime regarding a dispute over the ownership of a bicycle the named officer made a determination as to the ownership and released the bicycle to one of the disputing parties.

The complainant filed an OCC complaint stating that the officer took the bicycle he had borrowed from his mother and gave it to an unidentified man. The complainant's mother corroborated that the bicycle the complainant had been riding on the date of the incident belonged to her.

A preponderance of the evidence shows that the officer failed to prepare an incident report. DGO 1.03, DGO 2.01 and the Department Report Writing Manual, "requires that officers prepare incident reports to document completed, incompleted (sic), or attempted offenses, and suspicious occurrences both of a criminal and a non-criminal nature. 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: 09/24/13 **DATE OF COMPLETION:** 06/23/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she allowed a homeless man to store his belongings at a rental unit of which she was the property manager. She said she subsequently got a temporary restraining order against the man because he broke in and began staying in the unit. She stated that when she again found the man staying in the unit, she called police. The complainant stated that after reviewing the restraining order, the officers told her they couldn't determine who was supposed to be in the unit and it was a civil matter so she should contact the Sheriff's Department. The complainant feels the police didn't do enough.

The named officers could not recall who told the complainant what, but they both described the incident as a civil dispute between a landlord and a tenant. The Event History for this incident indicates the officers determined this to be an ongoing landlord/tenant dispute and advised the complainant accordingly.

The court documents provided to the OCC by the complainant show both the complainant and the restrained person as living at the residence. The "Stay Away Order" states that the restrained party must stay 3 yards away from petitioner when in, on or about the property. Based on what the complainant stated, she arrived home and found the man there, but he did not come within 3 yards of her. The court order did not prohibit him from being in the home.

The Department's Landlord/Tenant Dispute Guidelines indicates that when an officer determines that the dispute is civil in nature, they are not to give any legal advice but can help mediate or refer the parties to other resources.

No witnesses were identified.

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: 09/24/13 **DATE OF COMPLETION:** 06/23/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that when the officers arrived, one of them said, "I'm sick of coming back here."

Both officers denied making the alleged statement to the complainant and denied hearing their partner state anything to that effect.

No witnesses were identified.

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

SUMMARY OF ALLEGATIONS #5-6: The officers failed to respond to the scene promptly.

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

FINDINGS OF FACT: The complainant said after seeing a vehicle at the residence that she was the property manager of, she drove to the station to ask for officer assistance. She said she provided a description of her vehicle because she had no cell phone, and she would be waiting outside the residence. The complainant said she waited for two hours before she saw a patrol car drive by without stopping. She said she waited two more hours before two officers arrived.

The first officer denied that he failed to promptly respond to the scene. He stated he and his partner were en-route one hour after the call for service was initiated. The second named officer stated they were dispatched to the call within minutes of being dispatched.

The CAD indicates that the complainant request for service was placed on hold. The officers arrived on scene about eight minutes after the call was dispatched to the officers.

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: 09/25/13 **DATE OF COMPLETION:** 06/09/14 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant was cited for violation of California Vehicle Code section 21658(a), which states, in part:

A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until such movement can be made with reasonable safety.

The complainant denied the violation. No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant was cited for violation of California Vehicle Code section 21657, which states, in part:

The authorities in charge of any highway may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices. When a roadway has been so designated, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by traffic control devices.

The complainant stated he made a wrong turn and ended up going the wrong direction on a one-way street.

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: 09/25/13 **DATE OF COMPLETION:** 06/09/14 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant was cited by the named officer on two separate occasions. On both occasions, the complainant alleged that the named officer yelled at him. During the first incident, the complainant alleged that the officer threatened to arrest him. In the second incident, the complainant alleged that the named officer also yelled at the complainant's passengers.

The named officer denied the allegations. No witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that after being stopped by the officer for driving the wrong way on a one-way street, the officer opened the complainant's car door and pulled him out of his car. The complainant stated the officer placed him in handcuffs and put him in the back of the patrol car.

The named officer stated that after stopping the complainant, he asked for the necessary documents such as license and insurance. He stated the complainant attempted to reach between the seats and he instructed the complainant not to do that. He stated the complainant continued to try reaching between the seats despite several verbal commands not to. The officer stated he grabbed the complainant's left arm and opened the door instructing the complainant to get out. He stated he maintained control of the complainant's left arm and described the complainant as shaking and stiffening his muscles. The officer knew the complainant was elderly and didn't want to hurt him if the complainant became violent, so he placed the complainant in handcuffs and placed him in the patrol car while he finished running his queries and writing the citation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/13 **DATE OF COMPLETION:** 06/09/14 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer requested re-examination of a driver without cause.

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

FINDINGS OF FACT: The complainant stated that after being stopped twice by the same officer within a short time period, the officer sent a request to the DMV to have the complainant re-examined as a licensed driver.

The named officer stated that after witnessing two serious and dangerous traffic violations by the complainant within a short time period, he opted to submit a request to the DMV for re-examination. He denied that it was done without justification and stated that he was concerned for the public's safety since the complainant operates a taxi and is elderly. He stated that during the second incident, the complainant was shaking and would not follow verbal commands so he ordered the complainant to return to the yard and end his shift for the night.

Department records showed that the complainant was initially cited for violating California Vehicle Code section 21658(a), Laned Roadways. While the complainant denied the violation, the complainant was required to pay a fine after challenging the citation in court. Approximately a month and a half later after the first citation was issued, the complainant was again pulled over by the same officer for driving against traffic on a one-way street. The complainant again challenged the citation in court and was found guilty of the violation.

The DMV form was submitted as a regular request for re-examination, listing the following driving behavior: Not reacting to other cars, pedestrians, etc. Driving on the wrong side of the road. Inappropriately stopped. Driving on a one-way street the wrong way. The DMV form also listed the following driver condition: Confused, disoriented, incoherent, or unaware of actions. Had blank stare and smile on face.

No witnesses were identified.

There was insufficient evidence to either prove or disprove the driving behavior described by the named officer. In addition there was insufficient evidence to either prove or disprove the complainant's condition as described by the officer.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/13 **DATE OF COMPLETION:** 06/13/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he paid for a hotel room with cash and went to sleep in his room. He woke up to officers breaking down the door to his room and ultimately taking him to the hospital on a mental health detention.

The named officer stated the hotel manager told him the complainant's credit card was declined, but he ran into a vacant room and locked the door without paying. The officer stated the complainant repeatedly refused to open the door, so they forced entry and detained the complainant for trespassing. The complainant appeared disoriented and was talking to himself. He was wearing a hospital bracelet and said he had left the hospital the night before. The officer stated that, based on the complainant's actions, behavior and statements, he determined the complainant was a danger to himself and was gravely disabled. The complainant was transported to SFGH PES for a 72 hours hold.

Backup witness officers gave a similar account of being told that the complainant entered a room without paying and stated that the named officer determined that the complainant met the guidelines for a mental health detention. Several officers described the complainant as rambling incoherently.

Two witnesses who work for the hotel stated that the complainant had entered the room without paying, and refused to leave.

No other witnesses were identified.

There was insufficient evidence to determine whether or not the complainant met the criteria for an involuntary mental health detention.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/13 **DATE OF COMPLETION:** 06/13/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that during his detention, \$1,200 in cash was stolen. He could not say who took the money or when. He did not respond to requests for documentation of the money, such as a withdrawal slip or bank receipt.

All officers who responded to the incident denied taking control of any money from the complainant and also denied seeing any other officers take control of any money.

No witnesses reported seeing any money.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/13 **DATE OF COMPLETION:** 06/18/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was detained pursuant to California Welfare and Institutions Code section 5150 (Mental Health Detention) and transported to San Francisco General Hospital – Psychiatric Emergency Services (SFGH-PES). The complainant alleged the named officers, who transported her to SFGH-PES, laughed at her and made a number of abusive comments. In addition, the complainant alleged the driver braked purposely, causing her head to hit the patrol car’s cage in front of her.

The named officers denied the allegation.

The OCC reviewed the complainant’s medical chart. There was no medical evidence that indicated bruising on the complainant’s face or any marks on her face.

The witnesses who saw the complainant at a medical facility stated that the complainant did not complain that the officer drove inappropriately.

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

SUMMARY OF ALLEGATIONS #3 & 4: The officers used a sexual slur.

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

FINDINGS OF FACT: The complainant stated the named officers called her a sexual slur while transporting her to SFGH-PES.

The officers denied the allegation.

There were no other passengers in the patrol car during the complainant’s transport.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/13 **DATE OF COMPLETION:** 06/18/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officers failed to loosen her tight handcuffs. The complainant stated that the named officers refused to loosen her handcuffs.

The officers denied the allegation. They stated the complainant was transported for a period of approximately ten minutes until they arrived at the parking lot of their destination. Upon arrival, the officers stated they brought the complainant out of the car and checked her cuffs for the appropriate spacing between the wrists and the cuffs. The officers stated the spacing was appropriate and found no scrapes or bleeding on the complainant.

The complainant's medical records did not indicate any injuries to her wrists.

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: 09/27/13 **DATE OF COMPLETION:** 06/13/14 **PAGE#** 1 of 3

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

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

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

Department records showed that the named officers responded to the complainant's apartment on an "A" priority call regarding a fight between a male and a female. When the officers arrived, they were told that the complainant and an unidentified female were verbally arguing. To end the verbal dispute, the unidentified female decided to leave. When the female left, the complainant was repeatedly told to stay in his room, but refused, according to the incident report. When the complainant charged at the officers, the complainant was taken into custody and charged with public intoxication and resisting arrest.

The complainant denied these charges.

A witness who called 9-1-1 did not witness the complainant's interaction with the officers.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer used profane language.

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

FINDINGS OF FACT: The complainant alleged that one of the officers used profanity.

The named officer and his partners denied the allegation.

A witness who called 9-1-1 did not witness the complainant's interaction with the officers.

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: 09/27/13 **DATE OF COMPLETION:** 06/13/14 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #5: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged that the officer made inappropriate comments, threatening him.

The named officer and his partners denied the allegation.

A witness who called 9-1-1 did not witness the complainant's interaction with the officers.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #6 - 8: The officers used excessive force during the detention.

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

FINDINGS OF FACT: The complainant alleged that the officers used excessive force by placing him in tight handcuffs and throwing him in the back of a patrol wagon.

The named officers denied the allegation.

County Jail medical records did not disclose any evidence of injury.

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: 09/27/13 **DATE OF COMPLETION:** 06/13/14 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #9 - 10: The officers improperly drove a vehicle and failed to take required action.

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

FINDINGS OF FACT: The complainant said the officer driving the patrol wagon purposefully applied the brakes despite his repeated complaint of wrist pain due too tight handcuffs.

The named officers, who transported the complainant, denied the allegation.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/13 **DATE OF COMPLETION:** 06/25/14 **PAGE #1** of 4

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she had just come from a club and had just dropped some friends off when she was pulled over and subsequently arrested for driving under the influence (DUI). The complainant stated that the named officer was involved in a “set up” to have other officers pull her vehicle over.

The officer denied the complainant’s allegation.

Department records indicated that the named officer was not involved in this traffic stop and was clearing from an arrest.

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

SUMMARY OF ALLEGATIONS #2-3: The officers conducted a traffic stop without cause.

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

FINDINGS OF FACT: The complainant stated she had just come from a club and had just dropped some friends off when she was pulled over and subsequently arrested for driving under the influence (DUI). The complainant alleged that she was pulled over for no apparent reason, and she denied being under the influence of alcohol.

The named officers denied the allegation. They stated they observed the complainant’s car turning onto a busy street at night with its headlights off. They followed it, ran the license plate and then tried to stop the car, but the driver did not stop right away and continued approximately two blocks to her residence.

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: 10/17/13 **DATE OF COMPLETION:** 06/25/14 **PAGE #2 of 4**

SUMMARY OF ALLEGATIONS #4-5: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated she had just come from a club and had just dropped some friends off when she was pulled over and subsequently arrested for driving under the influence (DUI). The complainant alleged that she was pulled over for no apparent reason, and she denied being under the influence of alcohol.

The named officers denied the allegation. They stated they observed the complainant's car turning onto a busy street at night with its headlights off. They followed it, ran the license plate and then tried to stop the car, but the driver did not stop right away and continued approximately two blocks to her residence. The named officers stated the complainant appeared to be under the influence of alcohol. The complainant smelled of alcohol, could not focus on their instructions and would not comply with their initial advisements to stay in the vehicle. One officer observed an open container in plain view through an open window in the front of the complainant's vehicle and booked the open container as evidence.

The named officers stated the complainant would not submit to Field Sobriety Tests, or blood or breath tests. The officers stated the complainant was yelling at them, calling them racists. The complainant did not have a driver's license in her possession.

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

SUMMARY OF ALLEGATION #6: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that one of the officers who stopped her engaged in biased policing.

The named officer and her partner were interviewed pursuant to OCC's Biased Policing Investigation Protocol. Both denied the allegation.

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: 10/17/13 **DATE OF COMPLETION:** 06/25/14 **PAGE #3** of 4

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

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

FINDINGS OF FACT: The complainant stated she had just come from a club and had just dropped some friends off when she was pulled over and subsequently arrested for driving under the influence (DUI). The complainant alleged that she was pulled over for no apparent reason, and she denied being under the influence of alcohol. The complainant stated the officers searched her vehicle without cause.

The officers denied the allegation and stated that the search of the complainant's vehicle was incident to the complainant's arrest for DUI.

No witnesses were identified.

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

SUMMARY OF ALLEGATIONS #9-10: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that following her DUI arrest, she returned to her car and a cell phone was missing. The complainant stated that the cell phone was left in the car by an acquaintance whose name or contact information she did not know.

The officers stated they had no knowledge of the alleged missing cell phone. The officers stated that following the complainant's DUI arrest, the complainant's vehicle was legally parked in front of the complainant's residence. The complainant stated she provided her car key to another person.

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: 10/17/13 **DATE OF COMPLETION:** 06/25/14 **PAGE #4** of 4

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

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

FINDINGS OF FACT: The named officer and her partner stopped the complainant and subsequently arrested her for driving under the influence (DUI).

SFPD Department Bulletin 13-091, Traffic Stop Data Collection Program Information, issued on May 21, 2013, states, in part:

Members are reminded that E585 entries shall be made after any vehicle stops related to the following incidents: Moving violations, including bicycles, MPC violations, Penal Code violations...DUI's....

Department records indicated that the named officer, the senior officer on scene, failed to collect and enter the required traffic stop data for the traffic stop involving the complainant. When asked about entering the E585 data, the named officer stated she likely overlooked making the entry.

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: 10/18/13 **DATE OF COMPLETION:** 06/23/14 **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: The complainant stated her son was pulled over by two officers for failing to stop at a stop sign. In addition to issuing a citation, the complainant stated officers held her son for two hours without probable cause. The complainant's son did not respond to OCC for comment, after numerous attempts.

The officers stated they pulled over the complainant's son because he failed to stop at a stop sign. The officers stated the traffic stop resulted in an arrest because the complainant's son was driving with a suspended driver license. The officers stated they cited and released the complainant's son within a reasonable amount of time.

The witness was the sole passenger in the vehicle with the complainant's son. The witness corroborated that the complainant's son took a sharp turn and the officer's saw him commit the traffic violation. The witness stated the entire incident lasted 45 minutes and the complainant's son was released as soon as he was cited. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #3: The officer detained the complainant at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated her son was pulled over for failing to stop at a stop sign. The complainant stated an officer unnecessarily drew his firearm during the traffic stop. The complainant's son did not respond to OCC for comment, after numerous attempts.

The named officer stated he drew his firearm because he believed the complainant's son was dangerous and might attempt escape. The named officer and a witness officer stated the complainant's son twice sped away from them and took an unusual amount of time to respond to the emergency lights and siren. Both officers stated they feared for their safety when the complainant's son put his car in reverse and began to drive backwards towards one of the officers as they approached his car on foot.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/13 **DATE OF COMPLETION:** 06/23/14 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3 continued:

The witness corroborated that the complainant's son drove several blocks even after noticing the emergency lights and a siren. The witness stated that he and the complainant's son were just goofing off and driving recklessly, without realizing the consequences.

With officer safety in mind, the officers acted in a reasonable manner to protect themselves based on the erratic driving behavior demonstrated by the complainant's son. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #4: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated her son was pulled over for failing to stop at a stop sign. The complainant stated her son was unnecessarily handcuffed during the traffic stop.

The named officer stated he handcuffed the complainant's son because he believed the complainant's son was dangerous and might attempt escape. The named officer and a witness officer both stated the complainant's son drove evasively in response to emergency lights and a siren signaling the complainant to pull over. Both officers stated they felt physically threatened by the complainant's son, who drove toward them as they approached his car on foot.

The witness corroborated that the complainant's son drove several blocks even after noticing the emergency lights and a siren. The witness stated that he and the complainant's son were just goofing off and driving recklessly, without realizing the consequences.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/13 **DATE OF COMPLETION:** 06/23/14 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #5-6: The officers towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant's son received a moving citation while driving the complainant's car. The complainant stated her car was unnecessarily towed as a result of the incident. The complainant acknowledged that her son was driving with a suspended license at the time of the incident.

Both named officers stated they were required to tow the complainant's car because the complainant's son had a suspended license, the car was illegally parked, and no licensed insured driver was available to take possession of the car. The DMV records corroborated the complainant's son's driver's license was suspended.

A witness stated the complainant's car was illegally parked and no licensed and insured driver was available to take possession of the car. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #7-8: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated officers ridiculed and laughed at her son during a traffic stop.

The named officers denied acting or behaving inappropriately during the traffic stop. A witness to the incident could not hear all of the conversation between the complainant and officers.

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: 10/24/13 **DATE OF COMPLETION:** 06/17/14 **PAGE #1 of 3**

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

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

FINDINGS OF FACT: The complainant stated he was driving when a motorcyclist pulled in front of him, prompting a verbal dispute between him and the motorcyclist. The complainant stated that as the motorcyclist approached an intersection, the motorcyclist briefly spoke with a uniformed officer who was standing in a construction area and then took off. When the complainant reached the intersection, the named officer asked the complainant to pull over, accusing the complainant of almost striking the motorcyclist. The complainant alleged that the officer threatened to arrest him and threatened to tow his vehicle.

The named officer denied the allegation.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he was driving when a motorcyclist pulled in front of him, prompting a verbal dispute between him and the motorcyclist. The complainant stated that as the motorcyclist approached an intersection, the motorcyclist briefly spoke with a uniformed officer who was standing in a construction area and then took off. When the complainant reached the intersection, the named officer asked the complainant to pull over, accusing the complainant of almost striking the motorcyclist.

SFPD General Order 5.03 states that a police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity.

The named officer stated he stopped the complainant to investigate an allegation that the complainant almost hit a motorcyclist.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/13 **DATE OF COMPLETION:** 06/17/14 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #3: The officer misused his police authority.

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

FINDINGS OF FACT: The complainant stated he was driving when a motorcyclist pulled in front of him, prompting a verbal dispute between him and the motorcyclist. The complainant stated that as the motorcyclist approached an intersection, the motorcyclist briefly spoke with a uniformed officer who was standing in a construction area and then took off. When the complainant reached the intersection, the named officer asked the complainant to pull over, accusing the complainant of almost striking the motorcyclist. The complainant alleged that the officer threatened to arrest him and threatened to tow his vehicle. The complainant alleged that the officer misused his police authority.

The named officer denied the allegation, stating that he stopped the complainant to investigate an allegation that the complainant almost hit a motorcyclist.

The motorcyclist was not identified. No other witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated he was driving when a motorcyclist pulled in front of him, prompting a verbal dispute between him and the motorcyclist. The complainant stated that as the motorcyclist approached an intersection, the motorcyclist briefly spoke with a uniformed officer who was standing in a construction area and then took off. When the complainant reached the intersection, the named officer asked the complainant to pull over, accusing the complainant of almost striking the motorcyclist. The complainant alleged that the officer threatened to arrest him and threatened to tow his vehicle. The complainant found the officer's behavior to be inappropriate.

The named officer denied the allegation.

The motorcyclist was not 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: 10/24/13 **DATE OF COMPLETION:** 06/17/14 **PAGE #3** of 3

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with SFPD Department Bulletin No. 13-091, Traffic Stop Data Collection Program Information, issued on May 21, 2013.

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

FINDINGS OF FACT: The complainant stated he was driving when a motorcyclist pulled in front of him, prompting a verbal dispute between him and the motorcyclist. The complainant stated that as the motorcyclist approached an intersection, the motorcyclist briefly spoke with a uniformed officer who was standing in a construction area and then took off. When the complainant reached the intersection, the named officer asked the complainant to pull over, accusing the complainant of almost striking the motorcyclist.

SFPD Department Bulletin No. 13-091, Traffic Stop Data Collection Program Information, issued on May 21, 2013, states, in part:

Members are reminded that E585 entries shall be made after any vehicle stops related to the following incidents:

- Moving violations, including bicycles
- MPC violations
- Penal Code Violations
- Transportation Code violations
- 916 vehicle and high-risk violations
- DUI's
- Traffic collisions
- Assistance to motorists
- BOLO/APB/Warrants

The named officer stated that he did not collect traffic stop data because he felt that his investigation of a possible assault did not meet the criteria for the collection of traffic stop data.

The evidence established that the named officer stopped the complainant to assist a motorist and to investigate possible penal code violation.

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: 10/29/13 **DATE OF COMPLETION:** 06/03/14 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated the officers, along with other officers, broke the lock on the security gate to the rear of her residence, entered her residence and arrested her great-grandson.

Department records indicated that the entry was made pursuant to a search warrant signed by a judge of the Superior Court of California, County of San Francisco.

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 intentionally damaged property.

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

FINDINGS OF FACT: The complainant alleged the officers damaged her property by breaking the locks on her security gate and a freezer. The complainant also stated she would have allowed the officers entry had they given her a chance to open the door and unlock the gate. She stated she gave them keys to unlock the freezer. The complainant also stated the officers threw clothes and shoes all over her residence as a result of executing the search warrant.

Department records indicated that the entry was made pursuant to a search warrant signed by a judge of the Superior Court of California, County of San Francisco. The officers stated they had to force their way inside the residence for safety reasons and to prevent evidence from possibly being destroyed. The officers stated they asked the complainant for keys to the freezer because they did not want to break the lock. However, the complainant could not locate the keys.

The officers denied creating an unnecessary mess during their execution of the search warrant.

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: 10/29/13 **DATE OF COMPLETION:** 06/03/14 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant, an elderly female, stated she attempted to intervene by approaching a relative who was being arrested. She stated she was telling the relative, who was the subject of the investigation, to refrain from resisting arrest. She did not want the officers to injure the relative. The complainant stated the named officer then approached her, grabbed her by the waist and threw her to the ground. The complainant stated she fell on the floor and hit her head against a table leg, which hurt her.

The officer denied grabbing the complainant and throwing her to the ground. The officer stated the complainant came upon the scene of the subject being arrested. The officer stated in order to keep the complainant separated; the officer escorted the complainant away from the area where other officers were attempting to subdue the subject being arrested. The officer stated she was attempting to help the complainant maneuver around several household items that were strewn on the floor. The named officer stated that while the complainant was walking out of the room, the complainant tripped over the subject's leg and fell on the floor.

The officer described the complainant as falling forward and a bit to the side. The officer stated she attempted to hold onto the complainant's arm thereby preventing her from falling down, but the complainant, nonetheless, fell. The officer described the fall as non-violent. She stated the complainant did not hit her head on any object. The complainant then sat on the floor for several minutes. The officer stated she asked the complainant whether she had injured herself or was in any pain. The complainant said she was fine and requested the officer not to touch her. The officer also asked the complainant whether she needed an ambulance, but the complainant refused.

Other officers who were present stated they did not see the named officer throw the complainant to the ground. One of the officers stated he saw the complainant fall, and said it looked like the complainant tripped over something. Other officers saw the complainant sitting on the floor. These officers stated the complainant refused medical help or assistance to get up.

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: 10/29/13 **DATE OF COMPLETION:** 06/03/14 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #6-7: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated she handed some keys to the officers as a means of assisting them in the execution of a search warrant. She believed the officers would not have to break the lock on any security container if they had the keys to open the container. The complainant stated the officers failed to return the keys after they completed the search of her residence.

One of the officers remembered the complainant giving him some keys to unlock a container. He stated, however, that none of the keys unlocked the container for which the officers wanted to gain entry. The officer stated he returned the keys to either the complainant or another officer after officers completed their search of the residence.

None of the other officers remembered handling the keys or returning the keys to the complainant.

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

SUMMARY OF ALLEGATIONS #8-10: The officers searched beyond the scope of the warrant.

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

FINDINGS OF FACT: The complainant alleged the officers searched inside a locked freezer they were not authorized to search.

The named officers admitted breaking the lock on the freezer and searching the freezer; however, they did not find any items of evidentiary value inside.

A copy of the search warrant was obtained during the OCC investigation. The language of the search warrant authorized officers to search the premises at the address listed on the warrant, including all rooms, attics, basements and other parts therein, the surrounding grounds and any garages, storage rooms, storage areas, trash containers and outbuildings of any kind associated with the premise.

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:** 06/03/14 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #11: The officer failed to take the required action.

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

FINDINGS OF FACT: The basis for the allegation was that the officer failed to provide medical assistance.

The complainant stated that the named officer offered to call for medical services, but she refused.

The evidence proved that the act alleged 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: 11/05/13 **DATE OF COMPLETION:** 06/10/14 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant was cited for violation of California Penal Code section 640(c)(1), which is classified as evasion of the payment of a fare on or in a facility or vehicle of a public transportation system.

The named officer has retired and no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant stated that one officer asked her several questions about her health, which made her uncomfortable. She stated that when she tried to use her cell phone, the second officer grabbed her arm.

The named officers have retired and are no longer subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/13 **DATE OF COMPLETION:** 06/10/14 **PAGE #2 of 2**

SUMMARY OF ALLEGATIONS #4 & 5: The officers failed to promptly provide their names and/or star numbers upon request.

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

FINDINGS OF FACT: The complainant stated that the officers did not willingly provide her with their names when she asked for them. She stated that the citing officer informed her that his name would be on the citation.

The named officers have retired and are no longer subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/12 **DATE OF COMPLETION:** 06/04/14 **PAGE#** 1 of 3

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 the officers failed to take a statement from her and refused to open the windows in the patrol car to give her air.

The named officers stated the complainant was loud, argumentative, aggressively resistant, and that she refused to give a coherent statement. They stated the rear windows of the patrol car do not roll down. One of the officers stated she opened the front door and turned on the AC.

The reportee, a Parking Control Officer, stated the complainant was uncooperative and verbally and physically aggressive. Another officer at the scene stated the complainant was loud and abusive and did not give a coherent statement.

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

SUMMARY OF ALLEGATIONS # 3-4:The officers failed to provide their names and star numbers.

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

FINDINGS OF FACT: The complainant stated the officers did not give her their names or star numbers.

The named officers stated they were in full uniform with stars and name tags displayed, and that the complainant did not ask for their names or star numbers.

The reportee, a Parking Control Officer, did not hear the complainant ask for the officers' names or star numbers.

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: 10/30/12 **DATE OF COMPLETION:** 06/04/14 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #5: The officer uttered a racial slur.

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

FINDINGS OF FACT: The complainant stated the officer uttered a racially derogatory comment.

The named officer denied the allegation and two other officers denied hearing the alleged comment.

The reportee, a Parking Control Officer, also denied hearing the alleged comment.

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

SUMMARY OF ALLEGATIONS #6-7: The officers used excessive force during the detention.

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

FINDINGS OF FACT: The complainant stated the officers twisted her arms unnecessarily while handcuffing her. She admitted that she “flexed” her arms.

The named officers stated the complainant was flailing her arms and, at one point, struck one of the officers. They stated that, due to the complainant’s size, two sets of handcuffs were required and that she resisted being handcuffed.

Another officer at the scene denied that there was excessive or reportable force.

No other witnesses came forward. There was insufficient evidence to determine the level of force necessary to handcuff the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/12 **DATE OF COMPLETION:** 06/04/14 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #8-9: The officers threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that one of the named officers threatened to spray her with OC spray.

The named officer stated the complainant continuously refused to cooperate, so the named officer told her that if she did not calm down and stop fighting, she would be sprayed with OC. The complainant further stated that another officer threatened to call CPS to take her daughter.

The officers interviewed by the OCC stated the subject of CPS did not come up, as the complainant had already called a relative to the scene to care for her daughter.

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

SUMMARY OF ALLEGATION #10: An officer at the station was rude and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that, when she went to the station to complain, an officer was rude to her and made inappropriate comments.

The complainant could not describe the officer.

The identity of the officer has not been established.

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: 11/15/13 **DATE OF COMPLETION:** 06/19/14 **PAGE #1** of 3

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated that he was riding his bicycle on the sidewalk when he noticed a police car beside him. When the complainant said, "Do you like to say something?" the officers detained him. The complainant did not respond to OCC's request for an interview.

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

The evidence established that the officers had reasonable suspicion to detain the complainant for riding his bicycle on the sidewalk.

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

SUMMARY OF ALLEGATION #3: The officer issued a citation to the complainant without cause.

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

FINDINGS OF FACT: The complainant was cited for riding his bicycle on the sidewalk and for disturbing the peace, challenging another person in a public place to fight. The complainant did not respond to OCC's request for an interview.

Based on the complainant's own written statement, there was sufficient evidence to cite the complainant for riding his bicycle on the sidewalk. However, there was insufficient evidence to either prove or disprove that the complainant challenged the officers to fight in a public place.

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: 11/15/13 **DATE OF COMPLETION:** 06/19/14 **PAGE #2** of 3

SUMMARY OF ALLEGATIONS #4-5: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was placed in tight handcuffs. In addition, the complainant alleged that the officers injured his wrists and elbow. The complainant did not respond to OCC's request for an interview.

The named officers stated they saw the complainant riding his bicycle on the sidewalk. They stated the complainant gave them the finger (a profane gesture) and rode off. The officers stated that when they caught up with the complainant, he got off his bicycle and approached them in a hostile manner. The officers stated they handcuffed the complainant using a SFPD police academy taught rear wristlock control hold, using only the minimal amount of force.

Medical records indicated the complainant had some redness on his left wrist and bruising to the left elbow.

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: 11/15/13 **DATE OF COMPLETION:** 06/19/14 **PAGE #3** of 3

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

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

FINDINGS OF FACT: The complainant was cited for a traffic code violation and for a Penal Code violation.

SFPD Department Bulletin No. 13-091, Traffic Stop Data Collection Program Information, issued on May 21, 2013, states in part:

Members are reminded that E585 entries shall be made after any vehicle stops related to the following incidents:

- Moving violations, including bicycles
- MPC violations
- Penal Code Violations
- Transportation Code Violations
- 916 vehicles and high-risk stops
- Mechanical or non-moving violations
- DUI's
- Traffic Collisions
- Assistance to motorists
- BOLO/APB/Warrants

Members with access to a Mobile Dispatch Computer (MDC) shall collect this data by entering the information into the mask provided on their MDC after all traffic stops.

The Department reported to the OCC that it could not find any evidence indicating the named officer had entered the required traffic stop data as required. The officer admitted he did not enter the required data, but argued the computer mask did not list the proper choice as a reason for the stop.

The evidence established that the named officer and his partner stopped the complainant to issue a citation to the complainant for riding his bicycle on the sidewalk. The named officer was the senior officer and, therefore, responsible for the proper completion of the assignment.

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: 11/22/13 **DATE OF COMPLETION:** 06/20/14 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that one of the arresting officers took his cell phone and forced him to provide the officer with the complainant's access code. The complainant stated that the officer went through the complainant's phone before booking the phone with the complainant's property.

The San Francisco Field Arrest Card shows the named officer as the arresting officer. The named officer and his partner denied the allegation.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant was arrested for domestic violence. A year after his arrest, he filed his complaint with the OCC. The complainant stated that after his arrest, he was transported to San Francisco General Hospital for treatment. The complainant alleged that the officers used unnecessary force by forcing him off the gurney and forcing him to walk even though he was in pain.

The officers questioned by the OCC could not recall which of the officers were at the hospital with the complainant.

The identity of the alleged officers has not been established.

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: 11/22/13 **DATE OF COMPLETION:** 06/20/14 **PAGE #2** of 2

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

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

FINDINGS OF FACT: The complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Sheriff's Department on January 23, 2014:

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: 12/03/13 **DATE OF COMPLETION:** 06/23/14 **PAGE #1** of 7

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

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

FINDINGS OF FACT: The complainants stated they were detained on two separate occasions.

The co-complainant stated he was walking when an unmarked police car drove past him and then stopped. The car then backed up and the named officers in plainclothes exited and said, "San Francisco Police. You're being detained. Stop right there." The officers then asked for his identification and subsequently learned that he had a search condition. When the officers asked where his car was, he told them it was down the block. The officers located the co-complainant's car and proceeded to search it pursuant to his search condition.

The co-complainant's girlfriend, the complainant, stated she was sleeping in her boyfriend's car when the officers asked her to get out of the car. When she asked why, she was told that her boyfriend had been detained and that he had a search condition. Both complainants stated they sat on the curb while the officers searched the car. The complainants were not handcuffed.

The complainants stated that nine (9) days after their initial encounter with the named officers, the complainants were at a café when they were again detained by the same officers.

The named officers, who were assigned to investigate street crimes and were in plainclothes, stated they were driving when the co-complainant saw them and started walking in the opposite direction. As they drove next to him, they asked if he was on probation. The complainant said, "yes," prompting the officers to detain him. The named officers stated that while the co-complainant's girlfriend was asked to step out of his car, she was not detained.

Department records confirmed that the co-complainant had a warrantless search condition.

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

There was insufficient evidence to either prove or disprove that the detention occurred before or after the co-complainant told the officers that he was on probation.

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:** 06/23/14 **PAGE #2** of 7

SUMMARY OF ALLEGATION #3: The officer searched the co-complainant's vehicle without cause.

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

FINDINGS OF FACT: As previously stated, the co-complainant stated that his vehicle was searched.

The named officer and his partner stated the co-complainant's vehicle was searched pursuant to his search condition.

Department records confirmed that the co-complainant had a warrantless search condition.

There was insufficient evidence to either prove or disprove that the co-complainant's detention occurred before or after the co-complainant told the officers that he was on probation.

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

SUMMARY OF ALLEGATIONS #4 & 5: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The co-complainant stated he was searched.

The named officers stated the co-complainant was searched pursuant to his search condition.

Department records confirmed that the co-complainant had a warrantless search condition.

There was insufficient evidence to either prove or disprove that the co-complainant's detention occurred before or after the co-complainant told the officers that he was on probation.

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:** 06/23/14 **PAGE #3 of 7**

SUMMARY OF ALLEGATIONS #6 & 7: The officers searched the complainant's personal property without cause.

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

FINDINGS OF FACT: The complainant stated the named officers searched her purse.

The named officers denied searching the complainant's purse.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #8 - 10: The officers behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainants stated that while being detained, the officers made rude and threatening comments.

The named officers denied the allegation.

There were no witnesses to the alleged inappropriate behavior and/or comments.

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:** 06/23/14 **PAGE #4** of 7

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

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

FINDINGS OF FACT: The complainants alleged that the named officers used profanity.

SFPD General Order 2.01 requires officers to treat the public with courtesy and respect and not use harsh, profane or uncivil language.

The named officers denied the allegation.

There were no witnesses to the alleged use of profanity.

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

SUMMARY OF ALLEGATION #13: The officer failed to properly process the co-complainant's property.

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

FINDINGS OF FACT: The co-complainant stated that after he and his girlfriend were detained, they went to the station to file a complaint against the officers. While at the station, the co-complainant became aware that the named officer failed to return his identification. The co-complainant stated that his identification was located and returned to him before leaving the station.

The named officer admitted that he initially failed to return the co-complainant's identification. However, the identification was returned to the co-complainant when the co-complainant went to the station. The co-complainant's identification was returned to him that same day.

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:** 06/23/14 **PAGE #5** of 7

SUMMARY OF ALLEGATIONS #14 & 15: The officers harassed the complainants.

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

FINDINGS OF FACT: The complainants alleged that they were being harassed by the named officers.

The named officers denied the allegation, stating that the co-complainant was detained pursuant to his search condition.

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

SUMMARY OF ALLEGATION #16: The officer caused damage to the co-complainant's property.

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

FINDINGS OF FACT: The complainants stated that after the co-complainant's vehicle was searched, they noticed that the officer who searched the vehicle spilled oil on their clothing and damaged several pieces of crystals that were in the vehicle.

The named officer and his partner denied the allegation.

There were no witnesses to the search.

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:** 06/23/14 **PAGE #6 of 7**

SUMMARY OF ALLEGATIONS #17 & 18: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainants stated that the named officers told them to never come back to the neighborhood.

The officers denied the allegation.

A witness officer denied hearing the alleged comments.

There were no other witnesses.

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

SUMMARY OF ALLEGATION #19: The officer failed to receive a complaint.

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

FINDINGS OF FACT: The complainants said they went to the station to make a complaint against the two detaining officers. The complainants said they spoke to the named officer who told them that stations could not receive complaints and that they would have to go to the Office of Citizen Complaints to make their complaint.

The officer denied the allegation, stating that he offered to take their complaint, but the complainants declined.

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:** 06/23/14 **PAGE #7** of 7

SUMMARY OF ALLEGATIONS #20: The officer failed to promptly provide requested information.

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

FINDINGS OF FACT: The complainants said they went to the station to make a complainant against two officers who detained them. The complainants said that the named officer failed to promptly provide the names and star numbers of the officers who detained the complainants.

The named officer denied allegation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/13 **DATE OF COMPLETION:** 06/23/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Department records indicated that the complainant's husband was cited for violating California Penal Code section 415(2), which states, in part:

Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine: (1) Any person who unlawfully fights in a public place or challenges another person in a public place to fight. (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise. (3) Any person who uses offensive words in a public place, which are inherently likely to provoke an immediate violent reaction.

The complainant's husband was cited pursuant to a private person's arrest. The named officer's action was within the guidelines set forth in SFPD General Order 5.01, Arrests by Private Persons.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately and used inappropriate language, including the use of profanity.

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

FINDINGS OF FACT: The complainant said the named officer threatened to arrest her husband.

The named officer denied the allegation, stating that he conducted himself in a professional manner.

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: 12/17/13 **DATE OF COMPLETION:** 06/20/14 **PAGE#** 1 of 4

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/17/13 **DATE OF COMPLETION:** 06/20/14 **PAGE# 2 of 4**

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

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

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

SUMMARY OF ALLEGATION #4: The officer searched the complainant's personal property without cause.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/17/13 **DATE OF COMPLETION:** 06/20/14 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer failed to comply with DGO 5.20. - Language Access Services for LEP.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/17/13 **DATE OF COMPLETION:** 06/20/14 **PAGE# 4 of 4**

SUMMARY OF ALLEGATION #7: The officer failed to comply with DGO 5.20.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/19/13 **DATE OF COMPLETION:** 06/19/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the named officer repeatedly punched and kicked him after he had already surrendered.

Department Records showed that at the time of the complainant's arrest, he was a known fugitive who had four outstanding felony warrants for his arrest. Records also indicated that a parole agent from the California Department of Correction requested SFPD's assistance in apprehending the complainant. When the complainant was located, the complainant actively resisted, prompting the named officer to strike the complainant once in the face. When the complainant continued to resist, the named officer kned the complainant in the abdominal area. The named officer and three other officers denied the complainant's allegation that the named officer continued to punch and kick the complainant after he had already surrendered.

The complainant's medical records did not reveal injuries consistent with the amount of force alleged by the complainant.

SFPD Department General Order 5.01 allows officers to use whatever force is reasonable and necessary to protect others or themselves, but no more.

There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to accomplish a lawful police task.

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

SUMMARY OF ALLEGATION #2: The officer intentionally damaged personal property.

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

FINDINGS OF FACT: The complainant said he was already in custody when an unidentified officer standing behind him pulled on his necklace, breaking it.

Officers questioned by the OCC denied the allegation. The identity of the alleged officer has not been established. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/13 **DATE OF COMPLETION:** 06/24/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer detained his son at a San Francisco 49ers preseason game at Candlestick Park. The complainant stated that when he approached the officer and asked him what was happening, the officer repeatedly ordered him to step back. The complainant stated he complied but was subsequently arrested for allegedly being drunk in public. The complainant stated he and his son had a beer but were not drunk. The complainant's witnesses stated that the complainant had a beer but could not say whether the complainant was intoxicated.

The officer stated the complainant's son had been previously ejected from the ballpark for having an invalid ticket and for being intoxicated. The officer stated he saw the complainant's son again, prompting the officer to make contact with the complainant's son. The officer stated that while dealing with the complainant's son, the complainant approached him from behind, prompting the officer to repeatedly order him to step back. The officer stated he could smell alcohol from the complainant's breath and that his speech was slightly slurred. As the officer was escorting out the complainant's son, the complainant approached the officer again close enough to hit or grab the officer. The officer stated he then placed the complainant under arrest for public intoxication.

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: 12/18/13 **DATE OF COMPLETION:** 06/24/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he and his son were placed in a van and two officers transported them to a police station. The complainant recalled the named officer as one of the transporting officers. The complainant alleged that the transporting officers refused to tell them what they are being charged with.

The named officer did not recall the incident in question. The other transporting officer's identity was not established.

No other witnesses were identified.

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

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to process property.

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

FINDINGS OF FACT: The complainant stated the officer tore up his son's ticket and put it inside his pocket.

The officer denied the allegation. The officer stated the complainant's son showed him what appeared to be an electronic ticket on his cellular phone.

One witness stated the complainant's son presented his ticket to the officer, but he was not sure what, if any, the officer did with the ticket. Another witness stated that he did see the complainant's son present a ticket to the officer.

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: 01/08/14 **DATE OF COMPLETION:** 06/24/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated he was about to leave a residential hotel when a male officer and a female officer confronted him. He stated the female officer struck him with her baton and broke his leg. He stated the male officer forcibly extended his arm and fractured it. He stated he woke up twenty-two hours later in a hospital. He stated the officers "murdered" him.

The complainant refused to sign a medical release form and his medical records could not be obtained.

The hotel clerk stated a wheelchair bound resident called her to report he was being assaulted in his room. The clerk called 911. She stated she identified the complainant as the suspect to the two officers (one male and one female) that arrived. She stated the complainant refused to comply with orders to put his hands behind his back. She stated he would not stand still and kept twisting his body around. The clerk stated the male officer struck the complainant's legs with a baton to try to make him go down. She stated the complainant kept twisting his body but was on the ground within seconds.

A video of the incident provided by the hotel shows the complainant refuse repeated orders to put his hands behind his back and twisted his body away from the officers. The video shows the male officer strike the complainant's leg with a baton ten times until he falls to the floor.

The named officer's partner stated they responded to the hotel on a call that a male in a wheelchair was being assaulted. The desk clerk identified the complainant as the suspect. This officer stated that, because he was a suspect in an assault, she wanted to place the complainant in handcuffs immediately. She stated the complainant was much larger than herself and her partner. She stated the complainant repeatedly refused to comply with orders to place his hands behind his back. She stated she attempted to employ a twist lock grip on the complainant's arm without success. She stated her partner struck the complainant with his baton about ten times until he went to the ground. She stated the baton was the only option under the circumstances. She stated her physical controls were not working, the complainant was too big to attempt a carotid restraint and the hallway was too narrow to use pepper spray. She stated she was trained to use the baton until the threat has been terminated. She pointed out that she could see her partner re-assessing several times while employing his baton. She stated that as soon as the complainant got on the ground, her partner stepped back and put his baton away.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/14 **DATE OF COMPLETION:** 06/14/14 **PAGE#** 2 of 2

FINDINGS OF FACT: (continued): The named officer stated he wanted to handcuff the complainant right away due to the nature of the crime, his size, and because he had not been pat searched. He stated the complainant was an immediate threat, he was tensed and noncompliant and he was larger than the officers. The officer stated he was concerned that, if the complainant escaped, he would be a threat to others. He stated he attempted to gain control of the complainant using physical prowess, but due to the complainant's strength, he knew it was not possible to gain compliance in that manner. He also stated that, due to the enclosed area, pepper spray was not an option. He stated he initially expanded his baton as a show of force and was hoping to gain compliance that way but failed. He stated he struck the complainant's right elbow area with the baton. The complainant showed no reaction, which made the officer fearful that the complainant was under the influence of a stimulant or some type of narcotic. The named officer stated he gave the complainant several more commands and then struck the complainant's leg ten times with his baton until the complainant went to the ground.

No other witnesses were identified.

There was insufficient evidence to determine the level of force required to take the complainant into custody.

SUMMARY OF ALLEGATIONS #3-4: The officers threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that unidentified officers guarding him in the hospital threatened to beat him.

One officer stated he rode in the ambulance with the complainant, who was asleep. He watched while the complainant was admitted to the hospital. He denied threatening to beat the complainant. A second officer stated he took photos of the complainant at the hospital. He stated the complainant was asleep. He denied threatening to beat the complainant. A third officer stated the complainant appeared to be sleeping when he observed him at the hospital. He denied threatening to beat the complainant. A fourth officer stated he responded to the hospital to guard the complainant until he could be medically cleared and booked at County Jail. He stated the complainant was sedated the entire time he was with him. This officer stated he sat outside the room and had no contact with the complainant. He denied making threats to the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/14 **DATE OF COMPLETION:** 06/10/14 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer spoke and behaved in a threatening and intimidating manner.

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

FINDINGS OF FACT: The complainant said the named officer approached him while he was speaking to a clerk in Traffic Court, displayed a menacing manner, and through his words and actions intimidated the complainant to accept a court date he did not want. The complainant also said the officer made comments to him that suggested the officer was going to interfere with the justice system process in a way that would harm the complainant's rights.

The named officer denied displaying a menacing manner, raising his voice or using any words or actions that threatened the complainant. The named officer reported that he merely approached the complainant when he was requested by the court clerk, and repeated the court's policy for selecting court dates. The officer denied that he put his hand on his holster or sidearm while talking to the complainant.

A witness said she did not hear the officer make any threatening or intimidating statements and said the officer merely told the complainant to choose a date as per court policy. The witness said she did not hear any conversation that occurred outside the courtroom.

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:** 06/03/14 **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's boyfriend was arrested. The complainant stated that the named officer initially refused to reveal her boyfriend's location. However, when she threatened to file an OCC complaint, the named officer told her that her boyfriend was at the San Francisco General Hospital.

The named officer denied the allegation, stating that he provided the complainant with the information when he initially spoke to her on the phone.

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: 01/31/14 **DATE OF COMPLETION:** 06/05/14 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant said an officer approached her at a construction site. She said the officer grabbed her, held her by the shoulders and yelled at her, threatening her with arrest if she failed to provide identification, then took a picture of her ID. She said that he forced her to stand in front of him while he “admonished” her, and told her that the next time she crossed the street the way she had, he would “let her get run down.”

The officer identified by the Department as being on a construction assignment in the area said he had no recollection of the contact as described. The appearance and the physical attributes of the officer named by the Department are significantly different than the description given by the complainant.

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

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

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

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

FINDINGS OF FACT: The complainant said an officer she encountered refused to identify himself when she asked for his identity, and covered his star with his arm when she tried to look at the star, which was under a reflective vest, as well.

The officer identified by the Department as being on a construction assignment in the area cited by the complainant said he had no recollection of the contact as described. The appearance and the physical attributes of the officer named by the Department are significantly different than the description given by the complainant.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/31/14 **DATE OF COMPLETION:** 06/20/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint was brought by the San Francisco Police Department after the complainant reported to a County Jail nurse that he was sexually assaulted by the named arresting officer. The complainant could not be located for an interview.

The investigation showed that the Department promptly investigated the complainant's allegation. The complainant was interviewed in the County Jail by a sergeant. The complainant told the sergeant that the arresting officer, using his hand, pushed the complainant's underwear into his anus. According to the police report, the complainant was medically cleared at a hospital with no visible injury to his anus.

A witness officer stated that while transporting the complainant to the hospital, the complainant said the arresting officer did not penetrate his anus. This officer stated the complainant told medical personnel that he had no discomfort in his anus and all he wanted to do was file a complaint against the named officer.

The named officer stated that during a field arrest search of the complainant, he conducted a Department-taught Quadrant Two search of the complainant's buttocks area over the complainant's outermost clothing. He denied any inappropriate contact. The named officer stated he was acting as a Field Training Officer at the time.

The officer in training stated the named officer used his hand in a bladed position on the exterior of the complainant's clothing, as taught in the Academy. He stated the named officer did not push the complainant's underwear into his anus.

No other 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: 02/28/14 **DATE OF COMPLETION:** 06/09/14 **PAGE #1** of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #1 & 2: The officers failed to process property.

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

FINDINGS OF FACT: The complainant stated that he went to a district station and turned himself in for an outstanding warrant. He stated that at the direction of the arresting officer, he placed his property on the lobby counter. The complainant stated that he was taken into custody but when he was released from county jail, some of his property were missing including an umbrella, cash, lighters, chapstick, ID holder, food card, Glide Memorial clinic card, EBT card, and a SSN debit card. The complainant stated that following his release from county jail he returned to the station to search for his missing items. He stated that he recovered his umbrella at the station but his other items remained missing.

The officers denied the allegation. The officers denied having any knowledge of the property that the complainant alleged to be missing. The officers said the complainant voluntarily turned himself in at the station for an outstanding warrant. The officers said they recalled seeing only the complainant's belt and one of the officers said the complainant wore a knee brace that he searched and allowed the complainant to keep.

The SFPD station property records show that a belt was entered onto the SFPD property inventory arrest record. No other items were placed on the SFPD property inventory arrest record.

No witnesses were identified.

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