

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/10 **DATE OF COMPLETION:** 11/30/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he contacted the police because he had been a victim in a hit and run accident with minor injuries. The complainant stated an officer refused to prepare a police report documenting the incident. Several officers arrived on scene but the named officer admitted to being the lead or investigating officer as well as the most senior officer on scene. The officer admitted to not preparing an incident report because he believed that no vehicle accident occurred because there was no physical damage of an accident. Pursuant to DGO 9.02, officers are supposed to report all hit and run accidents resulting in death, injury, or property damage and prepare a traffic collision report and a hit and run record when requested by a citizen. A preponderance of evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the conduct was improper.

SUMMARY OF ALLEGATION #2-5: The officers failed to investigate.

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

FINDINGS OF FACT: The complainant stated he contacted the police because he had been a victim in a hit and run accident with minor injuries. When the police officers arrived, the complainant stated that they failed to investigate the claim of a hit and run accident. During their OCC interviews, all of the officers stated they searched for witnesses to the hit and run accident, spoke to bystanders to see if they saw or heard anything, and one unit attempted to locate the other vehicle involved in the hit and run accident prior to arriving on scene. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #6: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments and threatened to cite him for not having the proper motorcycle endorsement on his license. The officer admitted the complainant wanted a police report prepared but after he told the complainant of the several consequences that would occur if a report were prepared, including the towing of his motorcycle, the complainant declined to have the report prepared. The comments the officer made dissuaded the complainant from further pursuing an incident report on the scene, but after he left the scene, he did go into a district police station and have a report prepared to document the hit and run accident. A preponderance of evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the conduct was improper.

SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity during the incident. The officer denied the allegation. Other officers on scene did not hear the named officer use any profanity. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officers stated an officer had told them at roll call that the complainant had been dealing marijuana on a certain corner. Further research disclosed the complainant was on felony probation with a search condition and had a stayaway order within 150 yards of the corner. They saw the complainant within the prohibited area, so they detained him, searched him, found marijuana packaged for sale and arrested him.

SUMMARY OF ALLEGATION #3-4 The officers engaged in biased policing due to the complainant's race.

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

FINDINGS OF FACT: The officers stated the commanding officer had shown them a mug shot of the complainant, who was known to them as an area "regular." The complainant's description on record with SFPD included his race.

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SUMMARY OF ALLEGATION #5: The officer used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant alleged that the officer "slammed" him against a wall. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged that the officer told him to, "Shut the fuck up." The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 02/12/10 **DATE OF COMPLETION:** 11/15/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to release the vehicle to the complainant.

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

FINDINGS OF FACT: The complaint stated that the officer refused to release her towed vehicle unless she paid tow and storage fees although several other SFPD members told her earlier that she was eligible for a waiver of the fees. The named member stated he did not release the vehicle because the complainant's request for waiver of the relevant fees did not fall under the provisions of the Administrative Code Section 10.C1. The OCC found that the applicable rules relevant to a fee waiver were followed. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer was rude and he made an inappropriate comment when talking to her. The named member denied acting in the said manner and stated that the complainant took his comment completely out of context. Two other officers present during the complainant's interaction with the named member supported his statement. The complainant's friend, who was present during the incident, did not respond to the Office of Citizen Complaints' request for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers observed the complainant and the witness involved in a physical altercation. The officers detained and separated the involved parties to investigate the incident. Both officers stated the complainant was agitated and would not comply with their orders. The complainant refused to sit on the ground and/or refused to be handcuffed. The officers said they attempted to handcuff the complainant and he resisted their efforts. The complainant was arrested for resisting, delaying and obstructing the duties of a peace officer and for possession of marijuana. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers observed the complainant and the witness involved in a physical altercation. The officers detained and separated the involved parties to investigate the incident. The complainant and witness corroborated they were involved in a heated physical dispute. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #5-8: The officers used unnecessary force.

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

FINDINGS OF FACT: The detaining officers corroborated the complainant failed to comply with their orders to sit on the ground and/or to be handcuffed during their investigation of the incident. The assisting officers responded and observed the complainant refusing to comply and clutching a nearby metal fence. The officers pried the complainant's fingers from the metal fence and the momentum took the officers and the complainant to the ground. The complainant was subsequently handcuffed and searched. The witness stated he heard the complainant explain that he had a back problem and could not sit on the ground. The witness observed the officers approach the complainant, grabs his hands and tried to force his body to the ground. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9-10: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: Both officers denied the allegation. One officer said the detention had nothing to do with the complainant's race, but rather he observed two people fighting. The complainant was the aggressor and they took appropriate action. The other officer said he treated everyone equally, accommodated the complainant's back issue by allowing him to stand and be handcuffed, yet the complainant refused that allowance. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/18/10 **DATE OF COMPLETION:** 11/30/10 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 10, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/29/10 **DATE OF COMPLETION:** 11/03/10 **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, who had a stay-away order issued against him, stated he went to the police station in order to file a report of a break-in and vandalism to his vehicle. The complainant alleged that while at the police station, the officer approached the complainant and ordered him to stay in the lobby area of the police station until the officer investigated the details of the stay-away order. The order directed the complainant to stay a certain distance away from another officer who worked at the station. The complainant argued the stay away order related to a specific officer and not the police station. The officer denied ordering the complainant to stay in the lobby of the police station. The officer said the outside door to the station, accessible from the lobby, was not locked, the complainant was not handcuffed, and the complainant was free to go at anytime. The officer stated that furthermore, the complainant voluntarily left the station to go home, retrieved his (complainant's) copy of the stay-away order, and returned to the station in order to prove his point to the officer. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that at the time of his initial encounter with the officer, the officer handcuffed the complainant only for a few seconds but then the same officer removed the handcuffs. The officer was subsequently interviewed about this incident, and denied placing handcuffs on the complainant. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/29/10 **DATE OF COMPLETION:** 11/03/10 **PAGE#** 2 of 2

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant alleged he stayed inside the lobby of the police station for approximately three hours after the officer ordered him to stay there, until the officer completed his investigation of the matter. At the end of this time period, the officer approached the complainant and told the complainant he could leave. However, the officer did not issue a Certificate of Release to the complainant. The CAD record indicates the officer spent approximately one and a half hours on this event. The officer was interviewed and said he did not issue a Certificate of Release to the complainant because he did not arrest or detain the complainant. He said the complainant was free to go at anytime. The officer stated the time period reflected on the CAD record represented the time the officer devoted to investigating this matter and completing a report of the incident. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/09/10 **DATE OF COMPLETION:** 11/15/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: For biased policing due to race or ethnicity.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/14/10 **DATE OF COMPLETION:** 11/15/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she tried to pick up her juvenile daughter at her boyfriend's house. The complainant summoned police for assistance, and reported the incident as a kidnapping. Several officers responded. There was no merit to the reported kidnapping. The complainant's daughter came out of her boyfriend's house without incident. One officer spoke to the complainant and her daughter. The complainant stated that the officer told her daughter she would soon be independent and able to do as she pleased. The complainant alleged that as the officer spoke these words, he did so in an inappropriate manner, making an obscene gesture toward her. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/14/10 **DATE OF COMPLETION:** 11/03/10 **PAGE** #1 of 3

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

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

FINDINGS OF FACT: The officer observed an item hanging from the rear view mirror of the complainant's vehicle, which obstructed the driver's view through the windshield. The officer further stated that he observed the complainant suddenly turn from the #1 lane into the #2 lane without signaling. The complainant acknowledged he had an air freshener hanging from his rear view mirror and failed to signal when he turned into a gas station. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer denied handcuffing the complainant during the traffic stop. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/14/10 **DATE OF COMPLETION:** 11/03/10 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The officer stated the he believed the complainant was dangerous and he feared for his safety. The officer stated the complainant's behavior was aggressive, argumentative, and antagonistic. The complainant was physically larger than the officer and the officer was solo. For the reasons stated, the named officer conducted a pat search of the complainant for weapons.

The complainant stated he tried to ask why he was being stopped and an immediate verbal altercation ensued between him and the officer. The complainant said he was upset and started cursing the officers. 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 issued a citation to the complainant without cause.

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

FINDINGS OF FACT: There is no dispute that the complainant committed the actions and infractions for which he was cited. The issuance of the citation was justified, lawful, and proper.

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DATE OF COMPLAINT: 05/14/10 **DATE OF COMPLETION:** 11/03/10 **PAGE #3 of 3**

SUMMARY OF ALLEGATION #5: The officer drove his patrol vehicle improperly.

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

FINDINGS OF FACT: The officer denied speeding, making an unsafe u-turn, or tailgating the complainant with high beams illuminated. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The officer denied the allegation. He said on every traffic stop, he routinely and immediately tells the drivers the reason for the stop. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/05/10 **DATE OF COMPLETION:** 11/29/10 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer intimidated the complainant

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

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

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

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

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

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DATE OF COMPLAINT: 07/06/10 **DATE OF COMPLETION:** 11/17/10 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The officer was dispatched to an “A” priority Domestic Violence call. There is no dispute that the complainant was engaged in an altercation with her boy friend. The officer determined through his investigation that the complainant was deemed to be the aggressor in the altercation. The detention of the complainant was lawful, justified and proper.

SUMMARY OF ALLEGATION # 2: The complainant was arrested without cause.

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

FINDINGS OF FACT: The officer was dispatched to an “A” priority Domestic Violence call. There is no dispute that the complainant was engaged in an altercation with her boy friend. The officer determined through his investigation that the complainant was deemed to be the aggressor in the altercation. The arrest of the complainant was lawful, justified and proper.

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SUMMARY OF ALLEGATION #3: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: The officer was dispatched to an “A” priority Domestic Violence call. There is no dispute that the complainant was engaged in an altercation with her boy friend. The officer determined through his investigation that the complainant was deemed to be the aggressor in the altercation. There is no evidence from the complainant or the responding officer that the complainant was interrogated. The officer’s actions were lawful, justified and proper.

SUMMARY OF ALLEGATION #4: The officer misrepresented the truth to the complainant.

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

FINDINGS OF FACT: The complainant said that the officer misrepresented the truth in that she was tricked out of her home by the officer that she was going to the station to speak to the officers supervisor. The complainant was under arrest and was going to be transported to the station. When interviewed by OCC the complainant said if she had known that she was to be arrested then “she would have told them they needed a warrant”. The complainant was under arrest, she was not misinformed, as there was no warrant needed to take her to the station. Additionally, there is no evidence to indicate that any promises were made to her nor is there evidence of any inducement made to her. The evidence proves that the allegation as alleged did not happen.

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SUMMARY OF ALLEGATION #5: The officers behavior and comment were inappropriate.

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

FINDINGS OF FACT: The officer denied the allegation and there were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6-7: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant was arrested for Domestic Violence and transported to the police station. The handcuffing was appropriate and in compliance with department rules and procedures.

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SUMMARY OF ALLEGATION # 8: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant was arrested for Domestic Violence and transported to the police station. The search incident to arrest was appropriate and in compliance with department rules and procedures.

SUMMARY OF ALLEGATION # 9: The complainant alleged that she was strip searched without cause.

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

FINDINGS OF FACT: The strip search was conducted by Sheriff's Department personnel. The allegation has been forwarded to:

San Francisco Sheriff Department
Investigative Services Unit, Room 305
25 Van Ness Ave.
San Francisco, CA 94102

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SUMMARY OF ALLEGATION #1-2: The officers' conduct was inappropriate and harassing.

CATEGORY OF CONDUCT	CRD	FINDING	PC	DEPT. ACTION:
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FINDINGS OF FACT: A preponderance of the evidence received and reviewed during the investigation showed that the officers' actions were lawful and appropriate.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:	FINDING:	DEPT. ACTION:
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FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer cited her without cause when she was simply stopped and waiting for her friend to exit a residence. The complainant added that the curb area was not painted red as is normal for a no stopping zone. The named officer and her partner both stated that the complainant was stopped in a posted no stopping zone and was advised to move. When the complainant did not fully move from her stopped position, the officer issued the complainant a citation for being illegally stopped. The investigation showed that no stopping signs are posted in the area that the complainant was cited which is located next to a police station. The evidence proved that the act alleged did occur, however the act of issuing the complainant a citation was proper and lawful as there were no stopping signs posted in the area that the complainant had stopped her vehicle.

SUMMARY OF ALLEGATION #2: The officers behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated that the officers comments and behavior were rude and inappropriate. A dependent witness did not hear or observe all the contact between the officer and the complainant. The officer and her partner denied the allegation. There are no independent witnesses to the contact. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 15, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer grabbed the complainant's arm.

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

FINDINGS OF FACT: The officer denied the allegation. There are no known witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer engaged in inappropriate behavior by yelling at her.

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

FINDINGS OF FACT: The officer denied the allegation. There are no known witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant did not respond to numerous attempts to contact him for further information. Officer polls sent to four companies involved in the incident about which the complainant complained were negative. No witnesses came forward. There was insufficient evidence to either identify the officer or prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant did not respond to numerous attempts to contact him for further information. Officer polls sent to four companies involved in the incident about which the complainant complained failed to identify an officer. No witnesses came forward. There was insufficient evidence to either identify the officer or prove or disprove the allegation.

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DATE OF COMPLAINT: 07/28/10 **DATE OF COMPLETION:** 11/29/10 **PAGE#** 1 of 1

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

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 November 18, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer drove the vehicle in an unsafe manner.

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

FINDINGS OF FACT: The complainant stated a marked police vehicle driven by an unknown male plainclothes officer drove recklessly and erratically without its emergency lights on in traffic. The vehicle was identified and a commanding officer's poll to identify the officer returned with negative results. Officers who met the physical description by the complainant were not working on the date of the incident. Another officer who did not meet the physical description provided by the complainant but was working on the date of the incident denied driving the vehicle that day. There is no vehicle log to show who drove the vehicle on the date of the incident as this particular assignment does not require a vehicle log be kept. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 08/23/10 **DATE OF COMPLETION:** 11/08/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she made a full stop at a stop sign, however, the officer issued her a citation for failure to stop at the stop sign. The officer and his partner each stated that they observed the complainant fail to come to a full stop at the stop sign. The named officer then issued the complainant a citation for violating CVC 22450-failure to come to a stop. There were no witnesses to this incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/25/10 **DATE OF COMPLETION:** 11/08/10 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that this officer masterminded the citation that was issued to him. The evidence showed that the named officer responded as a back up officer and did not write the citation that was issued to the complainant. The named officer stated that he did not observe the violations and had minimal contact with the complainant. A witness officer stated that he observed the violations committed by the complainant and that he was the officer who issued the citation to the complainant. The evidence proved that the named member did not have any influence over the issuance of the citation to the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/10 **DATE OF COMPLETION:** 11/18/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that unknown officers struck him in the ankles. There were no available witnesses. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/10 **DATE OF COMPLETION:** 11/30/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer was rude to the complainant during a telephone contact.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 2, 2010.

SUMMARY OF ALLEGATION #2: The officer demonstrated inappropriate behavior/manners.

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 November 2, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/09 **DATE OF COMPLETION:** 11/18/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's behavior was racially motivated.

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

FINDINGS OF FACT: The complainant alleged that the reporting officer's decision to charge him with a felony was racially motivated. The officer and his partner denied the allegation and said that the complainant was charged with a felony because he committed a felony. The evidence shows that after considering his case, the court placed the complainant on an informal probation. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/10 **DATE OF COMPLETION:** 11/15/10 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-4: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was wrongfully arrested. The officers stated the complainant committed a strongarm robbery against a disabled woman and, when officers ordered him to surrender, he resisted arrest. A cold show affirmed that the complainant was the person who committed the robbery. The inspector's chrono documents that the complainant made a Mirandized admission of the robbery to an inspector. He later pleaded guilty to the robbery charge. The officers' actions were proper.

SUMMARY OF ALLEGATION #5-6: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated the officers beat him with batons for no reason. The officers stated the suspect refused to follow commands and resisted attempts to apply physical controls, so the officers struck him in the legs with their batons. There is insufficient evidence to establish the level of force necessary to arrest the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/10 **DATE OF COMPLETION:** 11/17/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's conduct was inappropriate.

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

FINDINGS OF FACT: The complainant alleged that a retired officer's conduct was inappropriate. The Office of Citizen Complaints confirmed that the member is retired and therefore the retired member is not within the jurisdiction of the OCC. Due to the conduct alleged, the complaint has been forwarded to

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/10 **DATE OF COMPLETION:** 11/17 /10 **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 allegation/
complaint has been referred to:

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/10 **DATE OF COMPLETION:** 11/03/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated his vehicle was towed without justification. The investigation revealed that the tow was by a Parking Control Officer from San Francisco Municipal Transportation Agency/Department of Parking and Traffic and not a member of the San Francisco Police Department. The complaint raises matters outside OCC's jurisdiction. The matter has been referred to:

San Francisco Municipal Transportation Agency
875 Stevenson Street, Room #251
San Francisco, CA 94103

Department of Parking and Traffic
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/10 **DATE OF COMPLETION:** 11/08/10 **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: The complaint raises matters not within OCC's jurisdiction. The complaint has been referred to:

Internal Affairs
San Francisco Police Department
850 Bryant Street, Room 545
Hall of Justice
San Francisco, CA 94103

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/10 **DATE OF COMPLETION:** 11/15/10 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/10 **DATE OF COMPLETION:** 11/17/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant raises issues outside the jurisdiction of the Office of Citizen Complaints. The complaint was forwarded to the Banning Police Department.

Banning Police Department
321 W. Ramsey Street
Banning, CA 92220

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/17/10 **DATE OF COMPLETION:** 11/18/10 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/23/10 **DATE OF COMPLETION:** 11/29/10 **PAGE#** 1 of 1

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

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

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

Department of Parking and Traffic
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

San Francisco Municipal Transportation Agency
875 Stevenson Street, Room #251
San Francisco, CA 94103

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/10 **DATE OF COMPLETION:** 11/30/10 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/09 **DATE OF COMPLETION:** 11/22/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer detained the complainant's employee without justification on September 30, 2008.

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

FINDINGS OF FACT: The complainant could only identify the officer as a tall white male. Numerous officers were involved in the incident; of those, three tall white male officers were identified. One of those officers has since retired. One officer stated he did not recall responding to the scene. The third officer stated he did not detain anyone. The officer could not be identified.

SUMMARY OF ALLEGATION #2: The officer detained the complainant's employee without justification on October 29, 2009.

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

FINDINGS OF FACT: The complainant stated his employee was detained by four white male officers in plainclothes, driving an unmarked vehicle. None of the officers had visible badges and they did not identify themselves as members of the San Francisco Police Department. An exhaustive search of Computer-Aided Dispatch (CAD) records of all calls between 11:00 A.M. and 2:00 P.M. on the day of the alleged incident yielded negative results. This alleged detention was not memorialized by an incident report or a CAD record. The Department performed a CLETS Journaling Function at the OCC's request. The results were negative, indicating that no officer queried the name of the complainant's employee on the day of the alleged incident. The officers could not be identified.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/09 **DATE OF COMPLETION:** 11/22/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer handcuffed the complainant's employee without justification on October 29, 2009.

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

FINDINGS OF FACT: The complainant stated he was detained and handcuffed by four white male officers in plainclothes, driving an unmarked vehicle. None of the officers had visible badges and they did not identify themselves as members of the San Francisco Police Department. An exhaustive search of Computer-Aided Dispatch (CAD) records of all calls between 11:00 A.M. and 2:00 P.M. on the day of the alleged incident yielded negative results. This detention was not memorialized by an incident report or a CAD record. The Department performed a CLETS Journaling Function at the OCC's request. The results were negative, indicating that no officer queried the name of the complainant's employee on the day of the alleged incident. The officers could not be identified.

SUMMARY OF ALLEGATION #4: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant stated he was detained and handcuffed by four white male officers in plainclothes, driving an unmarked vehicle. None of the officers had visible badges and they did not identify themselves as members of the San Francisco Police Department. An exhaustive search of Computer-Aided Dispatch (CAD) records of all calls between 11:00 A.M. and 2:00 P.M. yielded negative results. This detention was not memorialized by an incident report or a CAD record. The Department performed a CLETS Journaling Function at the OCC's request. The results were negative, indicating that no officer queried the name of the complainant's employee on the day of the alleged incident. The officers could not be identified.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/09 **DATE OF COMPLETION:** 11/10/10 **PAGE #** 1 of 3

SUMMARY OF ALLEGATION #1: The officer placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant stated his handcuffs were on tight, which caused pain to his wrists and back. The complainant said the officer refused to loosen his handcuffs. The officer denied the allegation. One witness said she did not observe the incident, while other witnesses did not respond to Office of Citizen Complaints' request to be interviewed. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer grabbed, pushed, and strangled him. The complainant said he sustained pain to his neck and back, but no visible injuries occurred. The medical records reveal a complaint of pain to the complainant's throat and back areas. The officer denied the allegation. One witness said she did not observe the incident, while other witnesses did not respond to Office of Citizen Complaints' request to be interviewed. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/09 **DATE OF COMPLETION:** 11/10/10 **PAGE #** 2 of 3

SUMMARY OF ALLEGATION #3: The officer's comments and behavior were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer told him to shut up and threatened him. The officer denied the allegation. One witness said she did not observe the incident, while other witnesses did not respond to Office of Citizen Complaints' request to be interviewed. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity. The officer denied the allegation. One witness said she did not observe the incident, while other witnesses did not respond to Office of Citizen Complaints' request to be interviewed. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/09 **DATE OF COMPLETION:** 11/10/10 **PAGE #** 3 of 3

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to log the use of force.

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

FINDINGS OF FACT: The complainant stated the officer pushed him against a wall, placed his arm on his throat, and dragged him. The complainant said that he did not complain of injuries or pain while at the station. The officer denied the use of force on the complainant. The officer stated that the complainant had no visible injuries and did not complain about an injury or pain, therefore a use of force entry was not necessary. One witness said she did not observe the incident, while other witnesses did not respond to Office of Citizen Complaints' request to be interviewed. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/09 **DATE OF COMPLETION:** 11/03/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officer issued a citation without cause. The evidence, however, shows that the officer conducted a valid vehicle stop because the vehicle's rear license plate lamp was not working, and the person driving the vehicle had a suspended license. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant's vehicle was towed as a result of a traffic stop. The evidence, however, shows that the driver of the vehicle had a suspended drivers license. Pursuant to Department General Order 9.06, the tow was therefore justified, lawful, and valid.

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DATE OF COMPLAINT: 11/05/09 **DATE OF COMPLETION:** 11/03/10 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officer engaged in biased policing. The complainant said the officer made the stop because the vehicle's occupants were African Americans. The officer denied the allegation and stated that he only came to know the physical appearance of the vehicle's occupants when the stop had been made. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/06/09 **DATE OF COMPLETION:** 11/03/10 **PAGE # 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated the officer and the officer's supervisor ordered him to get off a MUNI bus after the bus driver directed them to do so. The officers stated the bus driver requested them to remove the complainant from her bus for being unruly. The officers stated an unknown passenger corroborated the MUNI bus driver's account of the complainant being unruly. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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 officer and his supervisor refused to provide their names and star numbers. The officers denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 11/06/09 **DATE OF COMPLETION:** 11/03/10 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #5: The officer used a racially derogatory term.

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

FINDINGS OF FACT: The complainant stated the officer used a racially derogatory term. The officer said that he is a certified Spanish translator with SFPD and attempted to speak to the complainant in Spanish because it appeared the complainant did not understand what he was explaining to him. The officer stated the term he used is a term of respect and he did not mean any disrespect when he used it. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer displayed intimidating behavior.

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

FINDINGS OF FACT: The complainant stated the officer yelled at him. The officer denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/12/09 **DATE OF COMPLETION:** 11/04/10 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer entered and searched the residence without cause.

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

FINDINGS OF FACT: The complainant stated that the police had no legitimate reason to enter and search the house. The complainant was not present at the time of the occurrence and learned about the event after the fact. The senior officer in charge of this police operation stated that the entry and the protective sweep inside were conducted based on the consent obtained from the co-complainant. In her OCC statement, the co-complainant acknowledged that she consented to the officers' entry and "protective sweep" inside the residence. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #2-3: The officers towed the vehicle without cause.

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

FINDINGS OF FACT: The complainants stated that the officers had no legitimate reason to tow and impound their vehicle. The named members stated that the vehicle was towed and impounded for further investigation because they had received information that it was involved in an armed robbery. The Department records supported the officers' statements. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 11/12/09 **DATE OF COMPLETION:** 11/04/10 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #4: The officer inappropriately questioned the co-complainant's son.

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

FINDINGS OF FACT: The complainants stated that the officer accused their son/brother in "lying" to the police. The son/brother did not respond to the OCC's requests for an interview. The named member denied acting in the alleged manner during the occurrence. Another officer involved in the incident did not recall whether the alleged language was used at the scene. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that in a telephone conversation, the officer scheduled a meeting with him and the co-complainant in order to release the towed vehicle but failed to show up at this meeting and/or to release the towed vehicle. The named member told the OCC that he did not recall scheduling any meeting or making any promises to the complainant. The co-complainant did not speak with the named member in regards to the matter and relied on the information from the complainant. There were no other identifiable witnesses to this aspect of the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/12/09 **DATE OF COMPLETION:** 11/04/10 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that the officer had no legitimate reason to arrest him but acknowledged having an outstanding warrant at the time of this incident. The named member stated that he would have been remiss in his duties if, having learned about the complainant's warrant, he did not place him under arrest. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #7: The officer acted in an inappropriate manner.

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

FINDINGS OF FACT: The co-complainant stated that the officer raised his voice at her son (the complainant in this case) without any apparent reason. The complainant did not corroborate this aspect of the incident. The named member denied acting in the said manner. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/12/09 **DATE OF COMPLETION:** 11/04/10 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #8: The officer failed to take required action.

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

FINDINGS OF FACT: The officer admitted that he taped an interview with the co-complainant's son. He said he provided a CD copy of the interview to the case inspector but could not recall how he delivered the CD to the inspector. He no longer has a copy of the interview. The case inspector denied that he received the CD of the interview and said it was not documented in his chronological file as received as other case items were. Department records show that the tape was never placed in the case file or booked as evidence. A preponderance of the evidence shows that the act alleged did occur, and that using as a standard of conduct the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **FINDINGS:** **DEPT. ACTION**

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/09 **DATE OF COMPLETION:** 11/04/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer pulled him out of the vehicle, twisted his arm behind his back, and threw him against a building wall. The officer denied the allegation and stated the complainant exited the vehicle on his own. A witness stated officers had the complainant's hands behind his back against a wall, but did not see what occurred initially. Another witness did not respond to the Office of Citizen Complaints request for an interview. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant admitted he consumed marijuana a few hours before the incident. The officers said they were responding to a recent assault as well as ongoing crimes within the area. The officers stated they smelled marijuana emanating from the complainant's parked vehicle and they made contact with him. A witness did not respond to Office of Citizen Complaints request for an interview and other witnesses did not see the incident. 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
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DATE OF COMPLAINT: 11/25/09 **DATE OF COMPLETION:** 11/04/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer pat searched the complainant.

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

FINDINGS OF FACT: The complainant admitted he gave the officer permission to pat search him. The officer stated the complainant was pat searched for officer safety. A witness did not provide a statement and other witnesses did not observe the incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated he did not receive any forms or documents from the officers on scene. The complainant stated he was not handcuffed, transported or injured. The officers corroborated the complainant's statements and said the Certificate of Release was not needed or applicable in this brief encounter with the complainant, because he was not transported or physically restrained. 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: 12/03/09 **DATE OF COMPLETION:** 11/05/10 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated the officer laughed and yelled at him was hostile, disrespectful, unprofessional, and threatening. The complainant said the officer used his flashlight to temporarily blind him during the traffic stop. The complainant further stated the officer tried to embarrass him in front of onlookers by throwing his personal property on his vehicle. The officer denied the allegation and stated the complainant denied he had done anything wrong. The officer said he used his flashlight to light the interior of the complainant's car for officer safety, and the complainant's property was placed on the vehicle for everything to be in the open and not hidden. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer drove his vehicle in an unsafe manner.

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

FINDINGS OF FACT: The complainant stated the officer drove his unmarked police vehicle erratically and followed him. The officer denied driving in an unsafe manner. The officer said the complainant drove unsafely and recklessly at high speeds and disregarded traffic, stop signs, and public safety. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3-4: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The officers arrested the complainant as a result of their observations that the complainant committed multiple vehicle code violations. The officers stated they observed the complainant operate his vehicle with willful disregard for the safety of persons and property. The officers said the complainant was on active court probation regarding similar vehicle code violations. There were no independent witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #5-6: The officers harassed the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged that the officers conspired and harassed him as a result of his prior contacts with the officers. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: Department records show that the officer responded to a dispatched call of a prowler at the complainant's residence. The complainant said during the prowler call, the officer detained and searched him. The officer stated he responded to the complainant's residence and conducted an investigation into the prowler call and having knowledge of the complainant's prior criminal history he searched the complainant. The witness did not provide a statement. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: Upon arrival to the dispatched call the officer encountered the complainant whom he had prior knowledge of the complainants active court probation status and his history of criminal threats. The officers searched the complainant citing officer safety and that the officer told the OCC that he was under the impression that the complainant had an outstanding warrant. Based upon the nature of the dispatched call, history of prior criminal threats, the complainant was handcuffed and searched. During the course of the investigative detention, the officer determined that the complainant did not have an active warrant; the complainant was released, and issued a Certificate of Release. The witness did not provide a statement. The evidence showed that the act alleged did occur, however, the act was lawful and appropriate as the officer was conducting an investigative detention.

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SUMMARY OF ALLEGATION #9-10: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant was detained pending an investigation for allegedly placing threatening phone calls to a police officer. At the completion of the officers' investigation the complainant was issued a Certificate of Release form to the complainant and he was released on scene. There were no independent witnesses. The evidence proved that the act that provided the basis for the allegation occurred, however, the act was proper and lawful.

SUMMARY OF ALLEGATIONS#11-12: 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 identify themselves during the initial contact. The officers denied the allegation and said they had their stars out and verbally identified themselves as police officers to the complainant. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #13: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated the officer interrogated him and did not read him his Miranda Rights while he was detained. The officer denied the allegation and said he never interviewed or interrogated the complainant. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction, and it will be referred to:

Auto Return
450 7th Street
San Francisco, CA 94103-4532
(415) 865-8200

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

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

FINDINGS OF FACT: The complainant stated that the officer choked him, leg swept him to the ground and punched him. The officer stated that he was the only officer to have contact with the complainant to take him into custody. The officer stated he applied a mastoid hold on the complainant for pain compliance to have the complainant spit out narcotics from his mouth. The complainant admitted that he had narcotics in his mouth when the officer made first contact with him. The officer denied choking, leg sweeping or punching the complainant. A second officer stated he arrived to the scene after the complainant was handcuffed and taken into custody. He did not observe the custody and arrest of the complainant because he was not in the immediate area at that time of the complainant's arrest as he was placing another person into custody at the same time at a different location. No witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2-3: The officers failed to identify themselves as police officers.

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

FINDINGS OF FACT: The complainant stated that the plainclothes officers did not identify themselves as police officers until after he was in custody. Both officers stated that they had their stars visible outside their clothing and that they identified themselves as police officers upon each of their contacts with the complainant. No witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that she had an argument with a guest of her roommate and she called the police to have him removed from the premises. However, the officers failed to do so immediately upon their arrival to the scene. The named members stated that when they responded to the scene of this incident, they spoke with the complainant's roommate and his guest, who agreed to voluntarily leave the building and he did so within a brief period of time. In her follow-up interview, the complainant acknowledged that the said guest indeed left the building after speaking with the officers. The complainant's brother, who was also involved in the incident, also stated that the guest indeed left the house after speaking with the police officers. The available evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officer acted in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officers falsely accused her and made threatening comments during the incident. The named members denied acting in the said manner and making the alleged comments. There were no identifiable witnesses to this aspect of the incident. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers abused their police authority.

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

FINDINGS OF FACT: The complainant stated that the officers “pressured” her to provide them with access to an adjacent apartment of the building, where her brother used to reside, so that they could search it for drugs or contraband. The complainant’s brother stated that he told the officers he had moved out of this apartment several days prior and no longer had the keys or legal right to enter it. According to the complainant and to her brother, on the officers’ orders, the complainant’s brother climbed inside the adjacent unit through the kitchen window and opened the door to the officers from inside. The named members stated that while handling the dispute between the complainant and the guest of her roommate, the guest accused the complainant of growing and selling marijuana from the adjacent apartment. To prove that these accusations were baseless, the complainant insisted that the officers should walk through the unit. She called her brother to the scene, climbed into the unit through the side window and opened the entrance door from inside. The officers conducted a walkthrough but found no drugs or contraband. The named members admitted knowing that, at the time of the incident, neither the complainant, nor her brother was residing in the said unit, had a right to enter it or to consent to the police’ entry into this residence. 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 ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant lived in a mental health facility. She stated she was assaulted by a person residing in the same house. Two officers arrived. The complainant told the officers she wanted to press charges, and said that the officers failed to properly investigate the matter. She said the officers told her the District Attorney would never look at her case because the office had too many pending matters. She stated she was not offered a citizens arrest. The witness confirmed the complainant told the officers she wanted to press charges. She said the officers told the complainant this was not possible and that the District Attorney had more important issues to process. The officer denied the allegation, stating he was not required to write a report in this situation. Department General Order (DGO) 5.04 notes that in all instances involving requests for a private person's arrest, an incident report shall be prepared. The named officer was also the senior officer of equal rank at the scene. As senior officer, Department General Order 2.01 (19) holds the senior officer of equal rank responsible for properly completing an 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.

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

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

FINDINGS OF FACT: Under the identical facts of Allegation #1, the officer did not write an incident report. The named officer was not the senior officer on duty at the time of the incident complained of, although the complainant had comparable contact with him. The officer denied the allegation, saying he offered to write an incident report, but could not "force" the complainant. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #3-4: The officers failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant alleged the officers should have summoned a Spanish speaking officer to the scene. The complainant is English speaking. She stated that a Spanish speaking resident of the same residential facility assaulted her. During a call to 911, the complainant requested that a Spanish speaking officer respond. During her interview, the complainant did not recall making such a request. The witness stated that the complainant and her alleged assailant spoke English together. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #5-6: The officers made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant alleged the officers minimized her complaint because she resided in a mental health facility. They also alluded to the fact that they had not been at the facility in some time. The complainant further stated that when she showed an officer the scratches on her arm, the officer told her that she was "fine." The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that the officers came into her house without any legitimate reason. The officer in charge of this operation stated that the entry was made while the officers were executing a properly issued search warrant. Department documents corroborated this statement. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified lawful and proper.

SUMMARY OF ALLEGATION #2: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that the officers had no apparent reason to search her house. The officer in charge of this operation stated that the search was conducted based on a properly issued search warrant. Department documents corroborated this statement. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that a police officer entered her bedroom with a gun drawn and pointed at her. The officer in charge of this police operation stated that, at the time, the San Francisco Police Department and Federal Bureau Investigation were executing a “high risk” search warrant in connection with the investigation of a series of armed bank robberies. Department documentation supported this statement. The Office of Citizen Complaints was unable to identify and/or question the officer, who entered the complainant’s bedroom since the criminal case relevant to this complaint is still open. However, given the nature of the investigation and warrant service, it would have been reasonable for the participating officers to have their guns drawn and pointed at the occupants during the entry and protective sweep. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #4: The officer handcuffed the complainant’s husband and son without justification.

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

FINDINGS OF FACT: The complainant stated that her ex-husband and her son were handcuffed during the police search of her residence. These individuals did not respond to the OCC’s requests for an interview. The officer in charge of this police operation stated that the occupants of the complainant’s residence were indeed detained and handcuffed because, at the time, the San Francisco Police Department and Federal Bureau Investigation were executing a “high risk” search warrant in connection with the investigation of a series of armed bank robberies. Department documentation supported this statement. The Office of Citizen Complaints was unable to identify and/or question the officer, who restrained the complainant’s son and ex-husband since the criminal case relevant to this complaint is still open and ongoing. However, given the nature of the investigation and warrant service, it would have been reasonable for the participating officers to temporarily restrain occupants of the residence for officers’ safety reasons. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #5: The officers damaged personal property without justification.

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

FINDINGS OF FACT: The complainant stated that a suitcase was ripped open during the police search of her residence. The officer in charge of this police operation stated that he saw several suitcases in the house but none of them was ripped or damaged by the officers. The complainant's ex-husband and son, who were present in the house at the time, did not respond to the Office of Citizen Complaints requests for an interview. The Office of Citizen Complaints was unable to identify and/or interview all members involved in this joint San Francisco Police Department/Federal Bureau Investigation Operation. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that after the police search of her house her daughter's diamond ring "came up missing." The officer in charge of this police operation stated that he did not see any diamond ring in the house and was unaware if any such ring was taken during the execution of the search warrant. The complainant's ex-husband, son and daughter did not respond to the OCC's requests for an interview. The Office of Citizen Complaints was unable to identify and/or question all members involved in this joint San Francisco Police Department/Federal Bureau Investigation execution of the search warrant since the criminal case relevant to the complaint is still open. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARYOF OCC ADDED ALLEGATION #1: The officer wrote inaccurate report.

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

FINDINGS OF FACT: The complainant stated that her suitcase was ripped and her daughter's diamond ring turned up missing as a result of the police search of her residence. The named member, who was in charge of search warrant execution in the complainant's house, did not mention any of these events in his report and denied any knowledge of the alleged events. The Office of Citizen Complaints was unable to identify and question all members involved in this joint San Francisco Police Department/ Federal Bureau Investigation execution of the search warrant at the complainant's residence since the criminal case relevant to the complaint is still open. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARYOF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The co-complainant was a suspect in a criminal investigation in which his car was allegedly used in the crime. The co-complainant was identified by witnesses in a Cold Show. The officer had sufficient probable cause to arrest the co-complainant. The actions of the officer were justified, lawful and proper.

SUMMARY OF ALLEGATION 2: The officer had a vehicle towed and a hold placed thereon without cause.

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

FINDINGS OF FACT: The vehicle was identified by witnesses as having been used in the crime. The officer had probable cause to tow the vehicle and place a hold thereon. The actions of the officer were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer confirmed that he instructed officers at the scene to tow the car and place a hold on it for the Robbery Division. As to providing the vehicle operator with a copy of the 387 Form the officer said, "I don't fill out forms." The officer said the tow and tow hold was placed for Robbery Division investigation, not for a traffic offense, and therefore SFPD Form 387 is not required. The officer said the vehicle section of the Incident Report containing the SFPD Form 387 box does not apply under the circumstances and therefore he did not tell anyone to fill out the 387 form. The officer said, however, that if he was supposed to have provided SFPD Form 387 to the vehicle owner, he takes responsibility for not having done so.

The officer was the Officer In Charge of the vehicle tow. The officer ordered the vehicle tow and tow hold for Robbery Division. It was therefore the officer's responsibility to provide SFPD Form 387 to the vehicle owner. By a preponderance of the evidence the officer neglected his duty when he failed to provide the vehicle owner with SFPD Form 387.

Additionally, as the officer who authorized both the tow hold and its release, the officer was responsible for informing the complainants that the hold on their car had been released and they could recover their car. To the extent that the San Francisco Police Department does not have policies or procedures that provide immediate notification to owners that their seized property is available for return, the OCC recommends that the Department immediately implement such a policy.

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

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

FINDINGS OF FACT: The officer prepared a statement to the incident report documenting that he and his partner initiated a traffic stop and that shortly after the vehicle stop the investigation was turned over to officers investigating the underlying incident. The officer was not involved in the decision to tow or place a tow hold on the vehicle and therefore was not responsible for providing the required documentation related to the tow and tow hold. The evidence proved that the named member was not involved in the acts alleged.

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

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

FINDINGS OF FACT: The officer wrote the incident report. The officer denied that it was his responsibility to document in the Incident Report that the Form 387 was provided by checking the appropriate box located in the vehicle section of the report. The officer said the responsibility belonged to one of the senior officers at the scene. The officer's argument is not supported by the language in the Department General Order, which holds the author of the report personally responsible for the thorough completion of the report and states in reference to Form 387 that, "Officers shall document the issuing of this form in their incident report..." The use of the possession word "their" refers to the author of the Incident Report. By a preponderance of the evidence the officer neglected his duty per DGO 9.06 when he failed to document in his report that the arrested person whose vehicle was towed was provided with Form 387, Notice of Tow Hearing.

SUMMARY OF OCC ADDED ALLEGATION #3: The officer failed to supervise.

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

FINDINGS OF FACT: The officer confirmed that she was the Incident Report reviewing officer and as such it is her responsibility to make sure all the elements of the crime are contained in the report, that the narrative is cohesive and to check spelling and grammar. The officer said the 387 box in the vehicle section of the Incident Report regarding the Notice of Tow Hearing form was not something she missed but something she said in her experience and training did not apply because the vehicle tow and tow hold was placed at the behest of an Inspector of the Robbery Division. The officer said it is her understanding that the 387 form is to be given in cases involving driving on a suspended driver's license or driving without a valid driver's license and not when a vehicle is towed and held pending a criminal investigation. In this case a Robbery Division Inspector would be responsible for releasing the vehicle and a STOP Hearing does not apply, therefore the 387 box was not checked as the driver would not have been given the 387 Form to begin with.

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SUMMARY OF OCC ADDED ALLEGATION #3 CONT'D: This incident involved a Robbery investigation with a Robbery Division tow and tow hold. Department General Order 9.06 applies because this incident involved a tow. DGO 9.06 does not make exceptions to the requirement of the 387 Form. DGO 9.06 uses unequivocal language with regard to the issuance of the 387 form stating, Officer “**shall**” insure that the SFPD 387 Form is provided. DGO 9.06 applies to this incident without exception.

The introduction of the SFPD Report Writing Manual expresses the importance of the incident report and states in pertinent part, “The San Francisco Police Department expects professional incident reports from its members and is committed to providing training and support to achieve this goal. Supervising and commanding officers are responsible for reviewing reports to insure that their quality meets Department Standards.” The Report Writing Manual states that one of the requirements of a report is that, “All boxes that apply to the incident must be completed.” DGO 9.06 makes no exceptions to the requirement that the 387 Form be provided to arrestees whose vehicles are towed. By a preponderance of the evidence the officer was neglectful in her supervision when she failed to assure that the Form 387 requirements were fulfilled and then verifying that the Form 387 box in the Incident Report was checked.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used unnecessary force during the detention

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

FINDINGS OF FACT: The complainant stated when the officer grabbed his arm, and pulled it straight up he heard a snap. The complainant further stated the officer broke his arm. The officer stated he thought the complainant would verbally or physically challenge the security guard so he grabbed the complainant's arm and placed the complainant in a department taught control hold. The officer denied breaking the complainant's arm. The witness statements were inconsistent. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated officers expelled him from the movie theatre without cause. The complainant acknowledged he refused to leave the theatre after being asked to do so by theatre staff. The officer responded and gave the complainant a lawful order. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #3: The officer failed to comply with DGO 5.01.

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

FINDINGS OF FACT: The complainant stated after the officer placed him in a hold he heard his arm snap. He stated he told the officer, "you broke my arm." The next day the complainant went to the hospital and was diagnosed with a broken arm. The officer stated he placed the complainant in a control hold and escorted him out of the mall. The officer denied hearing the complainant complain of injury or pain. Witnesses stated they heard the complainant utter an expletive, about the officer breaking his arm" and "you're hurting my arm" as well as saw pain on the complainant's face. The officer failed to comply with a department general order regarding use of force. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations the officer failed to comply with the reporting requirements of the Department General Order.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The co-complainants both said they lost items during their detentions. There were significant discrepancies in their accounts of the property processing. The named officer and four witness officers denied the allegations. Department records indicated the co-complainant was not processed into the jail, so no record exists of the property processing. No other witnesses came forward. There is insufficient evidence to either prove or disprove that the named officer behaved neglectfully, or to identify any other officer who failed to properly process property.

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force during an arrest and transport.

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

FINDINGS OF FACT: The named officers denied the allegations. Several officers at the scene denied seeing any unnecessary force. A peace officer from another agency that was involved in the initial detention failed to respond to requests for interview.

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

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

FINDINGS OF FACT: The named and two witness officers denied the allegations. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #7: The officer spoke profanely to the complainants.

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

FINDINGS OF FACT: The co-complainant said a female officer spoke profanely when the complainant mentioned that her family was in law enforcement. The complainant did not hear any officer speak profanely in response to the alleged comment. Four officers at the scene of the alleged conversation denied saying or hearing anything profane, or that a female officer was on hand. Department records indicate no female San Francisco Police Department officer was present. No other witnesses came forward. There was insufficient evidence to identify an officer or to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer failed to provide name and star number when asked.

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

FINDINGS OF FACT: The complainant and co-complainant both complained that they asked for officers' identification but could not identify an officer who refused. Five officers involved in the incident denied the complainants asked them for their star numbers or said they did not recall that. No other witnesses came forward. There was insufficient evidence to identify an officer or to either prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer stopped him for urinating on the street, assaulted him, cited and released him at the station. The officer denied the allegation. The officer and complainant have different version of events. There were no witnesses at the time. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officer used excessive force during the arrest.

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

FINDINGS OF FACT: The complainant stated he was head-butted, pepper sprayed, kicked, and punched. The complainant stated he sustained injuries and was diagnosed with a contusion, 3 minor fractured ribs and some internal bleeding. The officers denied using excessive force. The medical records are not consistent with the complainant's description of diagnosis. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer used a racially derogatory comment.

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

FINDINGS OF FACT: The complainant stated the officer referred to him using a derogatory comment. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer exhibited inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer was visibly angry screamed at him and accused him of following him and told him that he did not like how he was looking at him. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The incident report was incomplete because the officer failed to include the name of the sergeant to whom he reported the use of force to and the time he reported the use of force in the narrative. The officer recognized that he did not include this information in the report. Pursuant to DGO 5.01 the officer was required to follow the procedures for documenting the use of force in the incident report.

SUMMARY OF ALLEGATION # 7: The officer failed to supervise.

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

FINDINGS OF FACT: The incident report was reviewed and signed off by the sergeant who failed to return the report to the officer for completeness for not complying with DGO 5.01 requirements in regards to the use of force. The sergeant recognized that he had overlooked this requirement. Pursuant to DGO 1.04 sergeants are required to review their subordinates arrests and reports for appropriateness and completeness.

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

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

FINDINGS OF FACT: The complainant stated the incident report that documented his burglary was inaccurate regarding the point of entry and exit of the burglar. The officer stated the report is accurate based on the physical evidence and the statements made by the complainant at the time of the reported burglary. There are no independent witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer failed to attach additional loss forms to a report.

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

FINDINGS OF FACT: The complainant stated he gave additional loss documents to the officer to include in his burglary report. The officer stated the initial additional loss form that the complainant signed and dated was attached to the incident report and noted in his chronological case log. The officer denied that the complainant provided him any additional documents and there are no notations in the officer's chronological log to note receipt of these documents. The officer was removed from inspector's duties shortly after his contact with the complainant and stated he no longer had control of the case file. The officer stated if the complainant would have brought him additional loss forms, he would have had the complainant sign and date them, made a notation in his chronological case log that he received them, and delivered them to the records room to be placed in the case file. The additional documents the complainant stated are not in the burglary report were never signed and dated by the complainant, and the officer stated he had no knowledge of where they came from. There are no independent witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments to him during his visit to the district station. The officer denied the allegation. There are no independent witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers cited the complainants without cause.

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

FINDINGS OF FACT: The complainants stated that the officers cited them without a lawful reason. The named members stated that they saw the complainants crossing the street against the red light and cited them for the traffic violation. In their OCC statements, both complainants admitted that they indeed crossed the street against the red light. The available evidence proved that the acts, which served as a basis for the allegation did occur; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #3/4: The officers acted in an inappropriate manner and made inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that several officers acted inappropriately and made unprofessional comments during this police contact. All officers involved in this incident denied acting in the alleged manner and making the alleged comments. The complainants could not provide sufficient description for the officer(s) engaged in misconduct and failed to provide contact information for their friend, who witnessed the occurrence. The available evidence was insufficient to name any specific officer and/or to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The primary complainant stated that one of officers at the scene searched him without any legitimate reason. The co-complainant stated that he did not witness this part of the occurrence. All officers involved in this police contact denied searching the complainant and/or witnessing a search by another officer. The complainant could not provide a sufficient description of the officer, who engaged in the alleged misconduct and failed to provide contact information for a potential witness to this incident. The available evidence was insufficient to name any particular officer and/or either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers engaged in biased policing.

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

FINDINGS OF FACT: The complainant stated that the officers inappropriately “singled [them] out.” The named officers denied acting in the manner alleged. The complainants did not respond to the OCC’s requests for the name of their friend, who was present at the scene during this police contact. There were no other identifiable witnesses to this part of the incident. There is insufficient evidence to either prove or disprove the allegation.