

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/09 **DATE OF COMPLETION:** 01/27/09 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: CRD

FINDING: IO1

DEPT. ACTION:

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

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

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/06/09 **DATE OF COMPLETION:** 01/10/09 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer(s) harass the complainant.

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

FINDINGS OF FACT: The complainant wrote that officers park their cars, follow her and look at her for no reason. There are no identified witnesses to the harassment. There is insufficient evidence to either prove or disprove that specific members of the San Francisco Police Department harass the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

Passenger Services
949 Presidio Ave #239
San Francisco, CA 94115

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated she was sexually assaulted and the officer did not complete or write a report of the incident. The complainant admitted she did not tell or inform the officer of the sexual assault. The evidence proved that the acts alleged in the complaint did not occur. The complainant did not identify any named member.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officers detained him without any legitimate reason. The named members stated that they were dispatched on a call from a hotel security about a person trespassing on hotel property and they detained the complainant pending further investigation. The Department records and hotel surveillance video corroborated the officers' statements. Given the nature of the dispatch, the officers' decision to briefly detain the complainant was justified, lawful and proper.

SUMMARY OF ALLEGATIONS # 3-4: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the officers patted him down for weapons without any legitimate reason. The named members stated that they might have conducted a cursory search for weapons after detaining the complainant for further investigation of suspected trespassing, given the complainant's belligerent and aggressive demeanor. The Communications records and video footage from the hotel surveillance camera supported the officers' account of this part of the incident. Given the specifics of this police contact, the officers' decision to conduct a cursory search of the complainant for weapons was justified, lawful and proper.

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SUMMARY OF ALLEGATIONS # 5-6: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that the officers ordered him to leave and never come back to the hotel. The named members denied issuing such an order to the complainant. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS # 7-8: The officers engaged in an inappropriate behavior and made an inappropriate comment.

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

FINDINGS OF FACT: The named members denied acting in the alleged manner and making the alleged comment. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLETION: 01/10/09

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

CATEGORY OF CONDUCT: UA

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The co-complainant admitted he consumed an alcoholic beverage, but denied being intoxicated as reported by the officer. The officer and his partner stated the co-complainant had slurred speech, bloodshot eyes, smelled of alcohol, and walked with a staggering gait at the time he was warned to back away from the officer and his partner who were subduing the complainant. Other witnesses on scene or involved in transporting the co-complainant to County Jail or San Francisco General Hospital could not recall the co-complainant to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

CATEGORY OF CONDUCT: UF

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The co-complainant stated after the complainant was handcuffed, the officer approached him and threw him to the ground without justification. The officer stated the co-complainant walked behind him and began screaming to leave the complainant alone while both he and his partner were still attempting to gain control of the complainant. The officer stated since the co-complainant did not comply with his command, he conducted a bar arm takedown as he attempted to handcuff him. Other witnesses on scene were unable to either prove or disprove the type and degree of force used to place the co-complainant into custody. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer applied tight handcuffs.

CATEGORY OF CONDUCT: UA

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The co-complainant stated the officer removed him from a patrol car after he managed to move his hands to the front of his torso re-handcuffed him too tight. The officer stated he moved the handcuffs to the rear and double-locked them. None of the officers on scene knew whether or not the handcuffs were applied too tight or double-locked to verify or deny this allegation. The co-complainant said he alerted no one about the pain to his wrists, sought no medical attention, and there were no visible injuries at the time of this OCC complaint consistent with excessive application of handcuffs. Furthermore, Sheriff Deputies exchanged handcuffs prior to their transport of the co-complainant to County Jail. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-5: The officers failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The co-complainant stated he requested either a breathalyzer, a blood analysis or a field sobriety test but was refused by an unidentified officer who told him the officers had no equipment for such tests. The officers denied the allegation and several other officers on scene could not recall if the co-complainant made such requests. Officers are not required to administer blood, breath or urine to determine the presence of alcohol or drugs, but are required to provide the opportunity to arrange for such tests at the arrested person's expense when the person arrested for 647(f)P.C. request it. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The deputies used excessive force while in custody.

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

FINDINGS OF FACT: This complaint has been referred to:

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Room 350
San Francisco, CA 94102
(415)554-2380

SUMMARY OF ALLEGATION #7: The deputies failed to loosen the co-complainant's tight handcuffs.

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

FINDINGS OF FACT: This complaint has been referred to:

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Room 350
San Francisco, CA 94102
(415)554-2380

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SUMMARY OF ALLEGATIONS #1 and #2: The officers conducted a prolonged detention without justification.

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

FINDINGS OF FACT: The officers took the complainant to the station because he was driving a motorcycle without a proper license, he had an invalid license plate on the motorcycle and because the motorcycle registration was expired. By a preponderance of the evidence the actions of the officers were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officers observed the complainant commit various vehicle code violations several of which the complainant admitted to being in violation of. By a preponderance of the evidence the actions of the officers were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #4 and #5: The officers towed the complainant's motorcycle without justification.

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

FINDINGS OF FACT: The officers towed the complainant's motorcycle because he was driving the motorcycle without a proper license, he had an invalid license plate on the motorcycle and because the motorcycle registration was expired. By a preponderance of the evidence the actions of the officers were justified, lawful and proper.

SUMMARY OF ALLEGATION #6: The officer conducted an improper search of the complainant.

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

FINDINGS OF FACT: The named member denied the allegation. The named member's partner denied that the alleged action took place. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #7: The officer made inappropriate comments.

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

FINDINGS OF FACT: The officer denied making the alleged comments and witness officers denied hearing the alleged comments. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #8: The officer entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant said he had no proof but believed that while he was detained at the station the officer made a copy of his house key and used it to enter his house without cause. The officer denied the allegation. The officer's partner denied any knowledge of the alleged action. The evidence proved that the actions complained of was so obviously imaginary that their occurrence is not admissible by any competent authority.

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OCC ADDED ALLEGATION

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

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

FINDINGS OF FACT: The named member and witness officer denied a strip search and/or removal of the complainant's prosthetic limb occurred, therefore a Strip Search Authorization form was never completed. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said he did nothing wrong but acknowledged that the registration tabs on his license plate were expired. The named officers stated that the registration tabs on the license plate of the complainant's car were expired. The officers supplied department records showing that the complainant's driver's license and registration were suspended at the time of the detention. One witness said she was not present at the detention but acknowledged that the complainant had lapsed registration tabs. One witness officer who arrived at the scene said he saw the department records and listened to the complainant try to explain his registration and driver's license status. The officers' actions were justified, lawful and proper.

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

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

FINDINGS OF FACT: The named and two witness officers denied the allegation. One witness provided an account that contained discrepancies from that of the complainant and that witness said she was not present for all of the contact, and did not hear everything that was said by officers and the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4-9: The officers failed to provide their names and/or star numbers on request.

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

FINDINGS OF FACT: The named and one witness officer denied the allegations. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant said an officer covered his star number. The officers who acknowledged they were at the scene of the incident denied that they engaged in or saw the alleged behavior. No independent witnesses came forward. There was insufficient evidence to identify the involved officer or to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11: The officer made inappropriate comments.

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

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

SUMMARY OF ALLEGATION #12: The officer failed to properly supervise.

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

FINDINGS OF FACT: The named officer and two witness officers denied the allegation. The complainant's witness did not corroborate the complainant's allegation against the named officer. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #13: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The complainant alleged a sergeant on duty at the police station refused to take his OCC complaint. The named member said he recalled someone coming in to complain about the officer at issue, and said he spoke to the complainant and offered him his choices for an OCC complaint. There were no independent witnesses. There was insufficient evidence to identify the involved 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 used profanity.

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

FINDINGS OF FACT: The complainant requested the case be suspended. The complainant has not contacted OCC and OCC contacts to the complainant have not been returned. The complainant has failed to provide additional requested information or evidence needed to complete the case investigation in a timely manner.

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

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

FINDINGS OF FACT: The complainant requested the case be suspended. The complainant has not contacted OCC and OCC contacts to the complainant have not been returned. The complainant has failed to provide additional requested information or evidence needed to complete the case investigation in a timely manner.

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DATE OF COMPLAINT: 03/18/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force. The investigation was unable to identify the officer involved in this contact. All department records were researched and no information was discovered regarding this contact. Outside investigation could not corroborate that a San Francisco Police Department officer was involved in this matter. The investigation showed there may have been other uniformed agencies or private security officers in the area. 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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SUMMARY OF ALLEGATION #1: The officer issued a citation without justification.

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

FINDINGS OF FACT: The complainant stated that on March 25, 2008 she was issued a citation for expired registration on a vehicle she had purchased on February 23, 2008. The complainant provided OCC with a copy of the paperwork she presented to the officer at the time of the stop. This paperwork was on her windshield and is identified as "Used Vehicle Dealer Notice/Temporary Identification. This document showed the complainant's name and gave vehicle information. Also printed on this document in the lower right hand corner "This is a notice of purchase of vehicle. Do not use as an application for registration or title". The officer stated that he stopped the vehicle because the license plate registration was expired. The officer said the complainant was unable to provide the registration, sales contract or insurance for the vehicle. The officer ran the vehicle and dispatch records showed the registration expired and registered to another individual as the vehicle owner. Furthermore there was no registration in progress noted through DMV. The officer issued the complainant a "fix-it ticket" for operation of a vehicle with expired registration. CVC 4000 states that all vehicles must be registered and fees paid. CVC 4456(A) (2) states the dealer shall submit all applications and fees within 30 days. This stop occurred more that 30 days past the date indicated for sale. Based on the information known on the date of the citation, the officer's actions were proper and lawful as there was no valid vehicle registration at the time of the stop.

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

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

FINDINGS OF FACT: The complainant stated the officer should not have placed the previous owner's information on the citation since she now owned the vehicle. The officer stated that the DMV registration for the vehicle was expired. The DMV information showed the previous owner as the registered owner of the vehicle. There was no information provided by DMV such as a registration in progress, to show a change in ownership from the past owner to the complainant. The officer is required to place the appropriate information on the citation. The information from DMV known to the officer at the time of the stop is what the officer placed on the citation. The officer's actions were proper and lawful.

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the Emergency Communications Division
1011 Turk Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1, 2: The officers used unnecessary force during a detention.

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

FINDINGS OF FACT: The complainant said she saw the detention of a man from about 7 feet away, and while the detainee did resist, the complainant felt the named officers used force excessive to accomplish the detention. The named officers denied the allegation. One witness who saw the detention said the officers used unnecessary force but did acknowledge the detainee physically resisted arrest. The detainee said he physically resisted being detained, but was not resisting when he was taken to the ground. One witness officer did not see the detention. No other witnesses came forward. The evidence proved that the acts that provided the basis of the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The preponderance of the evidence established the complainant was involved in a physical altercation with a female, who left the scene and could not be located. However, several 911 reports identified the complainant as the male who assaulted the female inside the garage. The officers' actions to detain the complainant pending further investigation and subsequently release him with a certificate of release were lawful and proper.

SUMMARY OF ALLEGATIONS # 2-3: The officers used excessive force at the scene.

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

FINDINGS OF FACT: The complainant said officers pushed him forward onto cement steps injuring his knees, and struck him on his face, and back. All officers on scene denied the allegation or could not recall any force used to detain the complainant. Despite documented trauma two days after the detention consistent with the force alleged, two independent witnesses to the detention denied the allegation. Moreover, the complainant had prior knee and lumbar diseases with significant and consistent complications. The preponderance of the evidence established that the acts alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #4-5: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The preponderance of the evidence established the complainant was involved in a physical altercation with a female, who left the scene and could not be located, and was handcuffed pending further investigation. Several reportees positively identified the complainant as the male who assaulted a female inside the garage. All officers as well as independent witnesses interviewed gave conflicting statements over whether or not the complainant was handcuffed during his detention. The officers' actions pending further investigation were lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that an unidentified officer told him to quit whining. All officers on scene either denied the allegation or stated they could not recall any conversation between the officers and the complainant. There were no witnesses who could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer seized and searched personal property without cause.

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

FINDINGS OF FACT: The complainant said the officer took his cellular telephone, knife, wallet, and keys from his possession without justification. All officers on scene denied the allegation and there was no independent witness to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION # 8: The officer misused the complainant's personal property.

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

FINDINGS OF FACT: The complainant said the officer used his cellular telephone to make calls. All officers on scene including the named member denied the allegation and there was no independent witness to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9-10: The officers entered and/or searched the complainant's apartment without cause.

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

FINDINGS OF FACT: The complainant stated that officers entered the building and his apartment without his consent or cause. The officer could not recall which officer took and used the complainant's keys to enter his apartment in search of the possibly injured female victim. The victim could not be located anywhere on scene, and the complainant was uncooperative as to her whereabouts. Prior to their entry into the complainant's apartment, a tenant asked officers if they were responding to the argument inside the complainant's apartment. Another tenant clarified to officers the location where the verbal argument he heard had occurred and guided them through the building to understand the path to the complainant's apartment as well as other common areas. The officer stated his search of the complainant's apartment to locate a possible female victim was limited to a visual inspection of areas where she could be found. The officers' actions were lawful and proper.

SUMMARY OF ALLEGATION #11: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated the officer kept his knife without documenting it or providing a receipt. The officer denied the allegation. Other officers on scene either denied the allegation or could not recall seeing any officer take any objects from the complainant's possession during his detention. Several independent witnesses could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officers recognized him while in a car with his family, the officers followed the complainant to a super market parking lot, and ordered him out of the car with drawn weapons. The officers denied the allegation. The witnesses did not respond for an interview. There is insufficient evidence to prove or disprove the allegation. One of the officers described the contact as consensual.

SUMMARY OF ALLEGATION # 3-4: The officers drew their weapons without justification.

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

FINDINGS OF FACT: The complainant said the officers drew their weapons and told him to get out of the car. The officers denied the allegation. The witnesses did not respond for an interview. There is insufficient evidence to prove or disprove that the officers drew their weapons. One of the named members stated the contact was consensual.

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SUMMARY OF ALLEGATION # 5-6: The officers made inappropriate comments and exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant said the officers used profanity and made a comment about his deceased cousin. The complainant said that one officer threatened to kill him because he would not give consent for a search. The officers denied the allegation. The witnesses did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 7-8: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant said the officers searched him without a warrant, or consent. The complainant said he was not on probation and informed the officers. The officers denied the allegation. The witnesses did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 04/28/08 **DATE OF COMPLETION:** 01/10/09 **PAGE # 3 of 3**

SUMMARY OF ALLEGATION # 9-10: The officers used profanity towards the complainant.

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

FINDINGS OF FACT: The complainant said the officer used profanity during the contact. The officers denied the allegation. The witnesses did not respond for an interview. There is insufficient evidence to 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 failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that his son told him his two cell phones were confiscated by police. The complainant stated that this confiscation of his son's property was never properly documented. The complainant's son stated that he was detained and handcuffed by security guards, who summoned San Francisco police officers. Numerous SFPD officers responded. One of them took a cell phone the complainant's son was holding, then searched through his other pockets and confiscated a second cell phone. The complainant's son asked a friend who was at the scene to obtain the name of this officer, and after the complainant's son was released, this friend gave him the officer's name, but the complainant's son lost the piece of paper on which he wrote the officer's name. The complainant's son stated that he did not mention the missing cell phones after he was released and the complainant arrived at the scene. The complainant and his son then went to the police station to file a police report about what had happened, but did not mention the missing cell phones.

The friend of the complainant's son who was at the scene stated that he saw an officer ask the complainant's son for permission to search him for weapons, which he was given, then search through the complainant's son's pockets without taking anything. This friend said he did not see the complainant's son with a cell phone in his hand. This friend denied that the complainant's son ever asked him to obtain an officer's name.

A civilian witness identified by the complainant stated that he did not see an officer search the complainant's son, did not see the complainant's son in possession of a cell phone and did not see an officer take anything from the complainant's son.

One of the police officers who responded stated that he saw the complainant's son, who was handcuffed at the time, fumbling with an object that he thought might be a weapon. This officer said he seized the object, determined it was a cell phone and placed it in the complainant's son's pocket. He stated that he did not search the complainant's son. This officer denied that he or any other officer confiscated a cell phone from the complainant's son.

Another officer confirmed seeing that officer remove a cell phone from the complainant's son's hands and place it in the complainant's son's pocket, and denied that any officer confiscated a cell phone from the complainant's son.

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One of the officers who responded said she recalled seeing the complainant's son talking on a cell phone during the investigation, but did not see any officer confiscate this cell phone. Other officers who responded said they had minimal contact with the complainant's son, did not see him in possession of a cell phone and did not see any officer confiscate his cell phone.

Attempts to contact the complainant's wife, whose name he supplied as a witness, were unsuccessful. Attempts to contact the two security officers who were present were unsuccessful. No other witnesses to the incident were identified.

The complainant's son failed to mention the confiscation of his cell phones when filing a police report about this incident immediately after it happened. His recollection of the name of the officer who he claims took his cell phones does not match that of the officer who described placing the cell phone in the complainant's son's pocket. Civilian witnesses who were present could not confirm the complainant's son's account of this incident. There is insufficient evidence to identify the officer who the complainant's son alleges confiscated his property or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-#2: The officers made inappropriate comments.

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

FINDINGS OF FACT: One of the officers did not recall and the other officer admitted to the comment. However offended the complainant stated the comment did not rise to the level of misconduct.

SUMMARY OF ALLEGATION #3: The officer interfered with a police investigation.

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

FINDINGS OF FACT: The named member did not recall. There were no witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #4: The officer failed to take a police report.

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

FINDINGS OF FACT: The investigation was unable to identify the person with whom the complainant spoke. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: One of the named officers denied the allegation, stating that he had a brief conversation with the complainant but did not detain him. The second named officer did not recall the incident. One named officer issued a citation to the complainant's mother that contradicted the statement of the complainant. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION 1:The officer prepared an inaccurate and incomplete report.

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

FINDINGS OF FACT: The complainant states that the report omits materials facts. The officer stood by the accuracy of his report. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS 2- 4: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The officers denied the allegation. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATIONS 5 - 6: The officers issued an invalid order to the complainant.

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

FINDINGS OF FACT: One officer said he told the complainant to, "please be quiet" due to her demeanor. The second officer did not affirmatively deny telling the complainant to, "be quiet." Department General Orders require that officers be courteous and not use uncivil language. Officers are also authorized to use warnings to control situations. In this case the complainant was a pedestrian victim who believed that the police investigation was being conducted in a biased manner. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1 and 2: The officers unlawfully detained and arrested the complainant.

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

FINDINGS OF FACT: The complainant admitted that he was parked in a manner that may have been illegal. The three responding officers said the complainant was parked illegally. The complainant admitted that the officers found suspected narcotics under one of the seats while searching the vehicle. The officer said the suspect narcotics were found in plain view. There were no other witnesses. There is insufficient evidence to either prove or disprove where the suspected narcotics were found.

SUMMARY OF ALLEGATIONS #3 and 4: The officers conducted an unlawful search of the complainant's vehicle.

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

FINDINGS OF FACT: The three officers at the scene said the vehicle was searched after suspected narcotics were found in plain view inside the car. The complainant said the officers discovered the suspected narcotics during their unlawful search of his vehicle. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant complained that the officer has repeatedly harassed him with unnecessary contacts. The officer reported in the incident report that he knew the complainant from “numerous” prior contacts. The officer denied that his contact with the complainant was meant to harass him. In this incident the officers appear to have had reasonable suspicion to detain the complainant however, whether or not the named member’s actions are part of a greater scheme to harass the complainant cannot be definitively determined from the evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant and his companion both said the officer raised his voice and called the complainant an inappropriate name. The officer denied the allegation. Two witness officers denied that the named member said or behaved in the alleged manner. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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 on the complainant.

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

FINDINGS OF FACT: The complainant stated that a man in civilian clothes approached him in a threatening manner while shouting and cursing at the complainant. Fearing for his safety, the complainant reached into his pocket for a folding knife, and was tackled from behind and pushed to the ground. The complainant lost consciousness and the next thing he remembers is being inside a patrol car. The complainant sustained a bruise on his forehead above his eye, a swollen lip and a bruised knee. The named officer stated that he and two other officers in plain clothes, along with two uniformed officers were conducting an investigation when the complainant approached to a distance that the named officer felt was unsafe. The named officer ordered the complainant to back up because he was interfering with the investigation. The complainant responded in a verbally aggressive manner, using profanity and threatening the named officer. The named officer told the complainant he was under arrest and walked towards him. The complainant brandished a knife and the named officer drew his firearm and ordered the complainant to drop the knife and get on the ground. The complainant dropped the knife and began to get on the ground, but as he did, his hand started to move to where the knife was lying on the sidewalk. Believing the complainant was attempting to grab the knife, the named officer used a bar arm takedown to take the complainant to the ground. The complainant's face contacted the ground, causing swelling to that side of his face. Witness officers confirmed the named officers account. Two of the other officers present stated they also drew their firearms when the complainant brandished the knife and ordered him to drop the knife. They also stated that the named officer used a bar arm takedown on the complainant after the complainant dropped the knife and was moving to get on the ground. A civilian witness who was working at the desk of the hotel where the complainant lives said that several minutes after the complainant left the hotel to go to the store, she saw the complainant moving towards the hotel entryway as several uniformed officers with their guns drawn followed the complainant ordering him to drop something. This witness then saw an officer grab or push the complainant from behind, causing the complainant to forcefully strike the ground face first. A videotape from one of the hotel's surveillance cameras shows an obstructed partial view of the sidewalk where the incident took place. The named officer refused to provide information that could have assisted the OCC in identifying a civilian witness to this incident. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that a man in civilian clothes, who he later learned was a plainclothes police officer, approached him in a threatening manner while shouting and cursing. The named officer stated that he and two other officers in plain clothes, along with two uniformed officers were conducting an investigation when the complainant approached to a distance that the named officer felt was unsafe. The named officer ordered the complainant to back up because he was interfering with the investigation. The complainant responded in a verbally aggressive manner, using profanity and threatening the named officer. The named officer told the complainant he was under arrest and walked towards him. The complainant brandished a knife and was arrested. The named officer denied using profanity. Witness officers corroborated the named officer's account. The named officer refused to provide information that could have assisted the OCC in identifying a civilian witness to this incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer failed to read a Miranda warning to the complainant.

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

FINDINGS OF FACT: The complainant stated that he was not read a Miranda warning when he was arrested. The complainant stated that he was not questioned by officers. The evidence established that a Miranda warning was not required because the complainant was not questioned while in police custody. The action complained of was proper.

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SUMMARY OF ALLEGATIONS 1 and 2: The officers made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The officers denied making the alleged comments or behaving in the alleged manner. Witness officers denied hearing the alleged comments or observing the alleged behavior. There is insufficient evidence to reach a dispositive finding.

SUMMARY OF ALLEGATIONS 3 and 4: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: A witness to an altercation between the complainant and another party inside a bar signed a citizen's arrest form. The evidence proved that the arrest of the complainant was justified, lawful and proper.

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SUMMARY OF ALLEGATIONS 5 and 6: The officers filed false charges against the complainant.

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

FINDINGS OF FACT: The listed charges against the complainant on the incident report are all evidenced by supporting documents, i.e. Citizen's Arrest Form and Medical Records. The evidence proved that the charges filed against the complainant were justified, lawful and proper.

SUMMARY OF ALLEGATION #7: The officer used unnecessary force against the complainant during the arrest.

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

FINDINGS OF FACT: The officer denied the allegation and a witness officer denied seeing the alleged force. The complainant admitted to being under the influence of alcohol and involved in a physical altercation in a bar. SFFD/EMS report documents that the complainant was uncooperative, combative, spitting blood on SFPP and EMS personal and as a result was handcuffed and restrained to a EMS board. SFGH medical report document that the complainant was belligerent and sitting blood at the officer at the hospital and had to be restrained to a board. Despite the evidence to the contrary, it is still insufficient to prove to an certainty that the named member did not use unnecessary force against the complainant during the incident.

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

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

FINDINGS OF FACT: The alleged officer denied the allegation. The alleged officer stated he never made contact with the complainant on the date and time of incident. The alleged officer provided documentation that indicated he was occupied in another district on a traffic stop. After numerous searches by the OCC, the information provided by the complainant was either insufficient, invalid or erroneous to properly identify the alleged officer. The complainant failed to provide additional requested evidence. There is insufficient evidence to identify the officer who engaged in the alleged behavior.

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

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

FINDINGS OF FACT: The alleged officer denied the allegation. The alleged officer stated he never made contact with the complainant on the date and time of incident. The alleged officer provided documentation that indicated he was occupied in another district on a traffic stop. After numerous searches by the OCC, the information provided by the complainant was either insufficient, invalid or erroneous to properly identify the alleged officer. The complainant stated he was wrong for selling sneakers on the street. The complainant failed to provide additional requested evidence. There is insufficient evidence to identify the officer that detained the complainant.

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SUMMARY OF ALLEGATION #3: The officer used profanity during the detention.

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

FINDINGS OF FACT: The alleged officer denied the allegation. The alleged officer stated he never made contact with the complainant on the date and time of incident. The alleged officer provided documentation that indicated he was occupied in another district on a traffic stop. After numerous searches by the OCC, the information provided by the complainant was either insufficient, invalid or erroneous to properly identify the alleged officer. The complainant failed to provide additional requested evidence.

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:** NF **DEPT. ACTION:**

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer failed to properly process the complainant's property.

CATEGORY OF CONDUCT: ND **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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SUMMARY OF ALLEGATION #1: The officer used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated one of the officers pulled him to the ground. The complainant said he “mouthed” off to the officer and was punched by the officer. The officer denied the allegation and stated he did not use any force upon the complainant. The officer stated he used a police taught leg sweep on the complainant who was not cooperative and refused to obey lawful orders. The officer said the complainant was belligerent, threatening, and angry. The witness said the officers did not use any force on the complainant and were professional. The witness admitted she had only a partial view of the incident due to building obstruction. The other witnesses have not come forward. There is 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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SUMMARY OF ALLEGATION #1: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant said she was waiting for her friend at the corner of Post and Larkin when an officer approached her and asked her for identification for no reason. The officer stated that the complainant was observed engaging in conduct consistent with the solicitation of prostitution. The complainant denied that she was engaged in the conduct that she was being detained for. The officer denied the allegation. Per DGO 5.03 the officer has the authority to conduct an investigative detention based on reasonable suspicion. Given all the facts, the investigation establishes that there was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she was arrested for loitering for prostitution and did not have identification. The complainant said that she has a job as a counselor and does not need to be a prostitute. The officer denied the allegation. There were no witnesses willing to come forward. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that two weeks after the arrest she encountered the officer while walking. The complainant said the officer followed her for two to three blocks as a form of harassment. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: During her OCC interview, the complainant stated that she speaks broken English and that Spanish is her primary language. The officer stated that the complainant had an accent but was able to communicate because she answered all her questions. The complainant stated she did not need a translator while triaged at the county jail and stated that she understood the officer at the scene but felt that her broken English was a disadvantage in being arrested. There is insufficient evidence to determine that the officer should have identified the complainant as an LEP individual.

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DATE OF COMPLAINT: 06/19/08 **DATE OF COMPLETION:** 01/27/09 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The named officer denied the allegation. No witnesses came forward. There was 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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SUMMARY OF ALLEGATIONS #1-2: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officers said they detained the complainant because he fit the description of an auto-burglary suspect. There were no identified witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #3: The officer used a sexual slur.

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

FINDINGS OF FACT: The officer denied the allegation and witness officers denied hearing the alleged slur. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #4: The officer used a racial slur.

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

FINDINGS OF FACT: The officer denied the allegation and witness officers denied hearing the alleged slur. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation and witness officers denied hearing the alleged profanity. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer denied the allegation and witness officers denied hearing the alleged comments. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The evidence showed that the named member authorized a proper probation search of the complainant's vehicle.

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SUMMARY OF ALLEGATION #8: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The officer denied the allegation and witness officers denied witnessing the alleged behavior. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #9: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The officer denied the allegation and witness officers denied witnessing the alleged behavior. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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DATE OF COMPLAINT: 06/24/08 **DATE OF COMPLETION:** 01/27/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to prepare an accident report.

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

FINDINGS OF FACT: The complainant stated she filed an accident report at the station but was unable to obtain, over the course of several months, a copy of the report. After she complained to the Chief of Police, a senior officer prepared another report. The officer who prepared the original report stated after she received a call from the Chief's office, she located her report, which was misfiled in the station's filing cabinet. The named officer produced a copy of this report. The senior officer stated that reports get lost due to a "convoluted" filing system. There was no additional evidence to further 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 issued a citation without cause.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 8, 2009.

SUMMARY OF ALLEGATION #2: The officer's manner and behavior were inappropriate.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 8, 2009.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/27/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation. The named officer affirmed he saw the complainant the day after her arrest at a fast food restaurant and greeted the complainant in a cordial manner. The officer stated the complainant yelled at him in the restaurant and made a disturbance. The officer stated the manager of the restaurant asked him to have the complainant leave the restaurant. The named officer obliged the manager of the restaurant and the complainant left the building without further incident.

The complainant alleged she saw the officer later that day leaving the police station in his personal vehicle. The complainant alleged the named officer accelerated towards her while she walked across the driveway. The named officer denied being aware of the complainant later that day while leaving the police station in his personal vehicle. The officer affirmed the driveway that exits the police station is an uphill driveway and it's necessary to accelerate to drive forward and up the driveway. The complainant corroborated the driveway exiting the police station is uphill and she stated she did not have to take evasive action while crossing the driveway. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The named officer responded to a call regarding a fight at a hotel between a hotel guest and the complainant. The officer and witnesses stated the complainant refused to leave the hotel after being told to leave by the guest, the General Hotel Manager and the police. The officer stated his investigation revealed the complainant had trespassed and her claim of battery was unfounded. A witness and witness officer corroborated the complainant was disruptive and agitated and had no visible marks or injuries. The hotel guest signed a citizen's arrest form and the complainant was arrested and booked for trespassing. 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 take required action.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer stated the complainant never requested her boyfriend/hotel guest be placed under arrest. The officer said his investigation, based on interviews and physical evidence, revealed the complainant had trespassed and her claim of battery was unfounded. A witness and witness officer corroborated the complainant was disruptive and agitated, had no visible marks or injuries and did not complain of pain. The witness officer corroborated he did not hear the complainant request that her boyfriend/hotel guest be arrested. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated the complainant's property was removed from her at the station and she would have been given a property receipt at the county jail. The complainant stated she signed the release form for her property and later discovered her earrings were missing. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officers used excessive force at the scene.

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

FINDINGS OF FACT: The co-complainant stated three undercover officers used excessive force against a male who was not resisting and was already handcuffed and asking for help. The officers denied the allegation. The officer stated they used necessary force to take the complainant into custody and said he had been resisting. The co-complainant said she did not observe the incident from the beginning. The male was not available for an interview. The co-complainant failed to provide additional information. There is insufficient evidence to 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 failed to take required action.

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

FINDINGS OF FACT: The complainant said the officer should have charged a felony charge and not a misdemeanor charge against the suspect. The complainant said the suspect grabbed and pushed her down the stairs. The officer stated there was insufficient evidence to charge a felony against the suspect and a citation from the complainant's citizen's arrest request was issued accordingly. The witnesses conveyed the complainant was not pushed or grabbed by the suspect. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #2-3: The officers made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated the officers referred to her as "Sir" several times during their contact. The complainant corrected the officers but they continued using the incorrect pronoun to address her. The officers stated during their contact with the complainant, one of the officers did initially refer to the complainant as a "Sir" but soon corrected this once the complainant notified them that she would like to be addressed as "Ma'am". The witnesses stated they did not hear the officers refer to the complainant as "Sir or him" at any time. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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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 investigation was unable to positively identify the officer. There were no identified witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The co-complainant stated the officer wrote in the report that he was in a dating relationship with the suspect, which the co-complainant denies. The officer resigned.

SUMMARY OF ALLEGATION #2-4: The officers exhibited inappropriate behavior and comments.

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

FINDINGS OF FACT: The co-complainant said the officers at the scene made comments to ridicule him for being assaulted by a woman. The co-complainant felt that the inspector was discriminating against him due to his gender. The officers denied the allegation. The officer said he had two recruits who were being evaluated during this incident and were serious and professional during the incident. The officers believed that the co-complainant wanted to change his original story because he did not want his fiancée to find out that he was in a relationship with another woman. One witness stated that he did not recall any comments or laughing by the officers while at the scene. The witness said the officers seemed to be professional.

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

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

FINDINGS OF FACT: The co-complainant and complainant stated the inspector was not investigating the case and kept insisting the case was domestic violence vs. an assault and was biased toward the suspect. The inspector denied the allegation. The inspector's investigation chronology established that she did a thorough investigation. The police report from another law enforcement agency corroborated that the co-complainant identified the suspect as his girlfriend, which affected the co-complainant's credibility. The OCC investigation established that the inspector investigated the co-complainant's case based on facts and was presented to the DA for prosecution. Based upon the information furnished to the District Attorney they chose not to pursue further investigation.

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/21/08 **DATE OF COMPLETION:** 01/05/09 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that he was taking a shopping cart full of cans and bottles he had collected to a recycling center when the officers detained him for having a beer bottle with a small amount of beer in the shopping cart. The complainant denied that he had been drinking from this bottle. The named officers said they detained the complainant for having an open container of alcohol because they saw a half-full bottle of beer in his shopping cart near the handle and away from the other cans and bottles. The evidence established that the complainant had an open container of beer in his shopping cart with some alcohol in it, and that therefore the detention was proper.

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

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

FINDINGS OF FACT: The complainant stated that the named officer handcuffed and searched him, reaching inside each of his pockets and removing several items. The named officer and his partner stated that they did not recall whether the complainant was searched. The complainant's girlfriend said she did not see the complainant being searched. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer removed his identification from his backpack but failed to return it, and that after the officer handled the backpack, the complainant found that a can of beer inside had been opened and spilled on his belongings. The named officer stated that he placed the complainant's identification back on top of the complainant's backpack, and stated that he did not see a can of beer inside the complainant's backpack. The complainant's girlfriend stated that she saw the named officer search through the complainant's backpack and remove his identification, but did not see what the officer did with it. She did not see this officer handle the can of beer inside the backpack, although she later saw that the contents of the can had spilled onto the contents of the backpack. The complainant's girlfriend said that after the officers left, the complainant realized they had not returned his identification and ran after them. When he returned, he told her the officers claimed they left the identification in the shopping car. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer failed to provide his name and badge number.

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

FINDINGS OF FACT: The complainant stated that when he realized the officers who detained him had failed to return his identification, he ran after them to attempt to retrieve it. When the officers claimed they'd placed it in the complainant's shopping cart and laughed at him in a dismissive manner, he asked the named officer for his name and star number, but the officer failed to provide it. The named officer stated that the complainant asked for, and was given his name and star number several times during the encounter, which he provided. The named officer's partner said that when the complainant approached them a short time after the detention, he asked the named officer for his name and star number and the named officer provided it. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant said his vehicle should not have been towed to Auto Return. The complainant stated the officers did not wait for his friend to arrive on scene to move his vehicle. The complainant admitted he double-parked his vehicle in the street and did not have a valid driver's license. The complainant had a suspended driver's license and his passenger did not possess a driver's license. The officer said the complainant's friend did not show up at the scene to move his vehicle, thus the vehicle was towed away. The officer further conveyed the complainant's vehicle license plate (VLP) did not match the vehicle identification number (VIN) on the vehicle. The officer said the complainant's vehicle in violation of 22651 (B) CVC in which the complainant's vehicle was double parked in the middle of the street blocking traffic. The officer towed the complainant's vehicle to Auto Return under the STOP program with a hold on it. The witness confirmed the complainant's vehicle was stopped in the middle of the street blocking traffic. 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 co-complainant without justification.

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

FINDINGS OF FACT: The co-complainant conveyed she should not have been handcuffed. The officer stated the co-complainant was not cooperative and refused to take her hands out of her pockets. The officer was in fear of a concealed weapon the co-complainant might have in her pockets. Due to officer safety reasons, the officer handcuffed the co-complainant and sat her on the sidewalk. The witness said the co-complainant was not cooperative and failed to listen to verbal commands and orders for her to take her hands out of her pocket. The witness further stated the co-complainant had a bad attitude toward the officer. 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 searched the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant said the officer searched her without cause. The officer stated a cursory search of the complainant was done due to officer safety issues and her refusal to cooperate and follow directions. The officer stated the co-complainant was aggressive and refused to take her hands out of her pocket as ordered by the officer. The witness confirmed the co-complainant's non-cooperative attitude and refusal to take her hands out of her pockets as ordered by the officer. 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 #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer made an inappropriate comment in the computer assisted dispatch.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he spent substantial time with the complainant to allow him ample time to explain and demonstrate the reason for his noise complaints, to no avail. During this time the officer relayed that he observed behavior of the complainant consistent with an unknown psychological condition. The officer abated the complaint call between the complainant and his neighbors. The named officer said he has been trained at the police academy and attended a 40-hour training course for “Police Crisis Intervention” on how to recognize people suffering from mental disabilities and conditions.

The officer in charge of the San Francisco Police Department Psychiatric Liaison Unit corroborated there are no department general orders or department bulletins that prohibit an officer from documenting his assessment of a person’s mental health. The liaison officer stated she would prefer that officers refrain from documenting that type of sensitive information in the police computer assisted dispatch, as it is accessible to the general public. The liaison officer said she would research this issue and attempt to formulate a remedy through the proper channels of San Francisco Police Department. The evidence proved that the act by the member was justified by Departmental policy, procedure, or regulation; however, the Office of Citizen Complaints recommends a change in the particular policy, procedure, or regulation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-3: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant alleges the officers used unnecessary force during her sister's arrest. The complainant's sister supported her sister's account. The officers denied the allegation and stated that they used a bar-arm take down to physically control the complainant's sister. One witness said the complainant's sister was resisting and was uncooperative with the officers. The same witness further said that aside from lifting and lowering the complainant's sister to the ground in a controlled manner, the officers used no other force. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleges that the officers used unnecessary force during her father's detention. The officers denied the allegation. The evidence shows that no unnecessary force was used when the complainant's father was placed in handcuffs and seated to the ground. Neither the complainant's father showed visible signs of injuries, nor complained that he suffered pain during the contact. The evidence proved that the acts alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #6-11: The officers engaged in inappropriate behavior and/or comments.

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

FINDINGS OF FACT: The complainant alleges that the officers engaged in inappropriate behavior and/or comments to her sister during the contact. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #12-13: The officers made sexually derogatory remarks.

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

FINDINGS OF FACT: The complainant alleges that the officers made a sexually derogatory comment on her sister. The complainant's sister corroborated her complaint. The evidence, however, shows inconsistencies on the complainant's sister's statement. No other witnesses came forward. The officers denied the allegations. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #14-16: The officers failed to provide medical attention.

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

FINDINGS OF FACT: The complainant alleges that the officers failed to provide medical attention to her sister who suffered injuries during the contact. The evidence shows that an ambulance was summoned, and the complainant's sister was taken to UCSF for treatment. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #17: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant alleges that the officer failed to issue a Certificate of Release after detaining her for two hours. Although the officer stated that at some point during the contact he detained the complainant, it was not a prolonged detention that would warrant issuance of a Certificate of Release. The evidence shows that the complainant was not placed in handcuffs or moved a substantial distance from the scene of the incident. Other officers that were questioned stated that the complainant was not detained. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-2: The officers brandished their guns without cause.

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

FINDINGS OF FACT: The officers denied the allegation. There were no witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officers said they identified themselves when they first approached the complainant's son and that their stars were visible. There were no witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATIONS #5-6: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The officers denied the allegation. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officers searched the complainant's vehicle because the driver, her son, had a warrantless search condition.

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SUMMARY OF ALLEGATIONS #9-10: The officers arrested the complainant's son without cause.

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

FINDINGS OF FACT: The officer's recovered suspected marijuana and explosives from inside the vehicle, in violation of the complainant's son's felony probation status.

SUMMARY OF ALLEGATIONS #11-12: The officers towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The officers said the vehicle was towed pursuant to arrest because it was illegally parked in front of a fire hydrant and handicap curb. There is insufficient evidence to prove or disprove that the vehicle was illegally parked. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATIONS #1-2: Officers demeanor and conduct was inappropriate.

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

FINDINGS OF FACT: The complainant was unable to identify the officers he spoke to. The two officers fitting the complainant's description did not recall having contact with the complainant. There were no identified witnesses. There is insufficient evidence to identify any officer or reach a definitive finding.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was working as a limousine driver when he was cited for illegally soliciting a male passenger, and not having a waybill for that passenger. The passenger confirmed that the complainant asked him if he needed a ride. The complainant had a waybill for a female passenger. The officer's action was proper.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated he refused to sign the citation "just to make [the officer's] life miserable." A passenger in the complainant's limousine stated the officer was firmly telling the complainant, "Do not get out of the car, do not drive away or you will be arrested." She also stated the complainant was saying, "I need to go up here and [do something.]" She stated both parties were arguing. There were no other witnesses or evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer used profanity.

CATEGORY OF CONDUCT: D

FINDING: U

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated the officer “used bad words and scared” his passenger. The officer denied using profanity. The passenger stated the officer did not use profanity and did not frighten her. The allegation is unfounded.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1 & 2: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that he fled on foot from police after breaking into a car. After running two blocks, he got down on the ground with his arms outstretched. The complainant stated that officers cuffed one wrist, then struck him multiple times with fists and with a flashlight. The complainant was rolled onto his back and sprayed in his eye with pepper spray. An officer sprayed pepper spray directly into the complainant's mouth after threatening to do this unless the complainant confessed. The complainant was then dragged by his one handcuffed wrist to the middle of the street.

The first named officer stated that as he was chasing the complainant on foot along a downward-sloping street, the complainant fell to the ground, got up and continued running, then fell a second time. This officer attempted to use his body weight to keep the complainant from getting up. He and the second named officer struggled with the complainant whose hands were under his torso. The second named officer fired a short, single burst of pepper spray at the complainant's face. The complainant continued to resist, so the first named officer struck him in the upper left shoulder with his flashlight because he could not reach his baton.

The second named officer stated that the complainant fell twice while running down the street and that he and the first named officer struggled to handcuff the complainant, who refused to show his hands. The second named officer said he sprayed the complainant once in the face with OC spray, but that the complainant continued to resist. The second named officer said he did not see the first named officer strike the complainant with his flashlight because he was focused on controlling one of the complainant's hands and on a leg injury he incurred during the chase. Both officers denied striking the complainant with their fists or using any unnecessary force. Both named officers stated that both of the complainant's hands were cuffed before he was moved, and denied that he was dragged while only one wrist was cuffed.

A witness officer who assisted in taking the complainant into custody stated that the complainant fell as he was running, failed to obey officers' commands and attempted to raise himself up off the ground. This witness officer said he was holding the complainant's legs down and was behind the two named officers, and did not see the force those two officers used on the complainant. A second witness officer who assisted in taking the complainant into custody stated that he did not recall whether the complainant was struck or pepper sprayed. Those two officers, along with officers who arrived after the complainant was handcuffed denied that the complainant was dragged into the street while only one wrist was cuffed.

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Photographs taken of the complainant within a day of his arrest document abrasions to his right forehead and cheek, an abrasion to his right knee and a smaller abrasion to his left knee.

The complainant's medical records indicate that he sustained abrasions to the forehead, cheek and knee. The complainant's medical records state that he told medical personnel at the County Jail and at San Francisco General Hospital that he fell while being chased by police. Paramedics who examined the complainant at the scene stated that they did not recall anything being said about how the complainant sustained his injury.

The complainant acknowledged that after an officer grabbed his left wrist, he yelled at the complainant to stop resisting and to put his arm down. The Communications audio for this incident contains sounds of one or more individuals yelling at someone to show or move their arms.

The complainant's injuries appear to be consistent with falling to the sidewalk, and the complainant's medical records do not document the sort of injuries that would be expected if the complainant had been struck ten or twenty times with fists and with a flashlight, as he claimed happened. The complainant's medical records recount statements by him that contradict a significant element of his account of the incident.

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

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

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

FINDINGS OF FACT: The complainant stated that he fled on foot from police after breaking into a car. After running two blocks, he got down on the ground with his arms outstretched. The complainant stated that officers cuffed one wrist, then struck him multiple times with fists and with a flashlight. The complainant stated that the named officer threatened to spray him with pepper spray unless the complainant confessed. The complainant stated that later, when he was in an ambulance being examined, the named officer told him that any time he runs from the police, he will be beaten. The named officer denied threatening the complainant. The named officer stated that while in the ambulance, he and the complainant conversed, and he told the complainant that when suspects flee from the police, it creates a dangerous situation for officers, civilians and suspects that can result in vehicle collisions or injuries to

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Continued

officers or suspects during or after the pursuit. One of the paramedics who was present stated that the named officer advised the complainant that in the future, he should cooperate and not flee from the police, that fleeing is a separate offense. This paramedic said the named officer did not tell the complainant he would be beaten if he fled from police. The paramedic who was treating the complainant stated that the named officer and the complainant were conversing in a relaxed manner, but he did not recall anything said about the complainant running from the police. A third paramedic stated that he did not recall the named officer saying very much while in the ambulance, and did not recall anything being said about running from the police. Officers who participated in the complainant's arrest stated that the named officer did not threaten the complainant. No witnesses to the arrest were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/08 **DATE OF COMPLETION:** 01/31/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer issued a citation to the complainant for violations of 12500(b) CVC for not having a motorcycle license and 16028(a) CVC for not having any Proof of Insurance. The officer stated others at the scene conducted the exchange of drivers' information. The witnesses confirmed the complainant was riding his motor scooter in a restricted area, which was closed to traffic except to pedestrians and bicyclists. The complainant admitted he did not have either a license or insurance for the motor scooter. The officer acted lawfully when she issued a citation to the complainant.

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

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

FINDINGS OF FACT: The complainant said the officer said she would not issue him a citation in exchange for him not to seek the other driver's information. The officer denied the allegation and cited the complainant accordingly. One of the witnesses left the scene prior to the police arrival. Another witness was at the scene but was too far away to hear the dialog between the officers and complainant. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/08 **DATE OF COMPLETION:** 01/31/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer engaged in inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant stated the officer was angry took an adversarial and combative stance. The officer denied the allegation. One of the witnesses stated he did not hear the conversation between the officer and the complainant. The other witness stated he left the scene before police arrived. There is 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
(AMENDED)**

DATE OF COMPLAINT: 08/08/08 **DATE OF COMPLETION:** 01/12/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officers drew their weapons without cause.

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

FINDINGS OF FACT: The complainant said that a co-worker saw one officer draw his weapon and pointed it towards the complainant during the traffic stop. The officers stated they activated lights and sirens and saw the complainant moving to the right for the traffic stop when he made an unexpected U Turn instead, facing their direction. At that moment, the officers feared for their safety and drew their weapons. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was cited for failing to stop at a stop sign, which he is uncertain that he failed to stop. The officers denied the allegation. There were no other witness. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT
(AMEDNED)**

DATE OF COMPLAINT: 08/08/08 **DATE OF COMPLETION:** 01/12/09 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #4: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant said that the officers yelled at him in a threatening manner and treated him like a criminal for a simple stop sign violation. The officer denied the allegation. The complainant did not provide the witness information because the witness no longer works with him and he has no contact information. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

OCC ADDED ALLEGATION

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

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

FINDINGS OF FACT: The CAD did not have an E585 entry for this traffic stop. The officer said that he entered the E585 via MDT mask for E585 but did not realize that the information did not go through until he got this complaint. The witness officer stated that an entry is successful when a string of data appears in a single line on the CAD with the information entered. So if the officer never gets a string of data immediately or some time later after sending the E585 entry, it means they did not successfully send the data. The officer would have known at the end of his shift that the entry did not go through had he confirmed all his entries by preparing an Officer Activity Report card that he is required to attach to his CAD printout and if he had reviewed his unit history. However, a query made from Technology Division for the officer on this date revealed that a E585 entry for this incident was in the SFPD database. Therefore, the allegation is unfounded.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/08 **DATE OF COMPLETION:** 01/17/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer towed a vehicle without justification or cause.

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

FINDINGS OF FACT: The complainant stated the officer illegally towed a vehicle. The complainant stated that the vehicle had recently expired registration. The investigation showed that the vehicle had not been registered since 2004 and that there was a fraudulent vehicle registration tag for 2008 on the license plate of the towed vehicle. The evidence proved that the act alleged did occur; however; the act of towing the vehicle was proper and lawful due to its expired registration over six months.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: ND **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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers entered and searched the room without a warrant.

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

FINDINGS OF FACT: The complainant said the officers entered the room and searched it without a warrant. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers exhibited inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officers threatened to throw her belongings out the window and had locked her out of the room. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/08 **DATE OF COMPLETION:** 01/17/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to conduct a proper investigation.

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

FINDINGS OF FACT: The complainant's adult daughter was involved in a hit and run accident; she was able to walk home after the accident. The complainant called the police and made a report. The complainant alleged that the assigned officer did not conduct a timely and thorough investigation and, as a result, the case was not prosecuted. The complainant's daughter provided an inaccurate vanity license plate. Responding officers and the assigned officer ran multiple versions of this plate, with negative results.

According to the officer's case file, he conducted a timely and thorough investigation of this matter. He made repeated attempts to contact the complainant's daughter and finally spoke to her three weeks later. Due to a lack of evidence and witnesses, the case was inactive for eight months, when the complainant's neighbor saw the suspect's vehicle. In the month that followed, the officer identified the owner of the vehicle, conducted a photo spread with the victim and identified the suspect. He then made attempts to impound the suspect's vehicle and spoke to officers who were familiar with the suspect's neighborhood. He also interviewed the suspect. Finally, he prepared a warrant package and presented it to the Assistant District Attorney, who refused to issue an arrest warrant based on three criteria: 1) the victim's lack of cooperation in the early stages of the investigation; 2) the length of time between the accident and the identification of a suspect; and 3) the lack of witnesses. The officer conducted a proper investigation.

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

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

FINDINGS OF FACT: The complainant stated that the officer wrongly stated that her daughter was not cooperating with an investigation. The officer stated that the complainant's daughter repeatedly failed to respond to his contact attempts. His case file supports this statement. There were no witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/08 **DATE OF COMPLETION:** 01/31/09 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately and made unnecessary comments.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 22, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer threatened the complainant and made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleges that the officer threatened her inappropriate comments during the contact. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleges that the officer used profanity. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer made a sexually derogatory comment.

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

FINDINGS OF FACT: The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleges that the officer searched her car without cause. The officer stated the search was incident to arrest. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/08 **DATE OF COMPLETION:** 01/31/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated he was driving his motorcycle 40-50 miles per hour in a 25 miles per hour zone. He stated he heard a siren behind him but did not attempt to move to the right side of the road. At an intersection, he stopped suddenly at a green light. The officer stated he observed the complainant speeding and changing lanes in an unsafe manner. When the officer was twenty feet behind the complainant, with his lights and sirens activated, the complainant suddenly stopped. The officer swerved to avoid hitting the complainant but clipped the complainant's right side. By his own acknowledgement, the complainant violated California Vehicle Code Sections 21806 and 22350. The officer's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/08 **DATE OF COMPLETION:** 01/05/09 **PAGE# 1 of 1**

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

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 December 23, 2008.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to accept the complainant's private person's arrest.

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

FINDINGS OF FACT: The complainant alleges that the officers failed to accept her citizen's arrest. The officers stated that the complainant declined when asked if she wanted to make a citizen's arrest. One witness said she was not sure if the complainant had told the officers that she wanted to make a citizen's arrest. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complainant alleges that the officers failed to properly investigate the incident by not talking to other witnesses. The officers denied the allegations. The officers stated the witnesses denied to be interviewed. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/06/08 **DATE OF COMPLETION:** 01/17/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer had an inappropriate demeanor.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 12, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/10/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers issued citations without cause.

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

FINDINGS OF FACT: The complainant alleged that she was cited without cause on two separate occasions. The officer and her partner denied the allegation and said that the complainant was cited for loitering for purposes of prostitution. The other officer who cited the complainant could not recall his contact with the complainant. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer made inappropriate comments. The officer and her partner denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/08 **DATE OF COMPLETION:** 01/05/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer(s) failed to properly process property.

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

FINDINGS OF FACT: The complainant alleges that the officer(s) failed to properly process his property. The complainant requested a withdrawal of the complaint.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/20/08 **DATE OF COMPLETION:** 01/31/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to accept a private person's arrest.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainants stated that the arrest of the complainant was without cause and unnecessary due to the complainant's age and medical condition. The investigation showed that the complainant is an elderly male who was arrested for domestic violence against his wife. The evidence showed that an Emergency Protective Order was issued against the complainant and delivered and explained to the complainant. The Emergency Protective Order was in effect and stated that the complainant was not to return to his residence and to stay away from his wife. The co-complainant stated that the complainant accidentally violated the Emergency Protective Order when they returned to the family residence. Officers were informed that the complainant was at the residence, arrived at the residence to investigate and found the complainant inside the residence in violation of the Emergency Protective Order. The officers then arrested the complainant for this violation. The co-complainant stated that they did find a copy of the Emergency Protective Order in the complainant's possession which shows that the Emergency Protective Order was provided to the complainant following the first arrest for the domestic violence. The evidence showed that the act alleged did occur, however the arrest of the complainant was proper and lawful.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/08 **DATE OF COMPLETION:** 01/31/09 **PAGE#** 1 of 1

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/08 **DATE OF COMPLETION:** 01/31/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/08 **DATE OF COMPLETION:** 01/17/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to promptly and/or politely provide his name and star number.

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

FINDINGS OF FACT: The evidence established the officer working in plainclothes displayed his star during the incident, and a Spanish speaking sworn police officer from another agency explained to the complainant in Spanish their identities and purpose of their response. Moreover, the complainant knew the officer from prior responses to his residence. The evidence proved that the act alleged in the complaint did not occur as the officers displayed their stars upon entry and the complainant knew the officers from prior contact.

SUMMARY OF ALLEGATION #2: The officer used excessive force during the entry.

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

FINDINGS OF FACT: The evidence established that the complainant was not struck over the head with a flashlight or was pushed and held against a wall during entry into his residence to effect the arrest of his son, a fugitive with an outstanding arrest warrant. All officers denied the use of any force on the complainant. Medical records did not corroborate the complainant's allegation. Furthermore, the complainant did not tell anyone in his family of the alleged force until one month after the incident occurred and after the complaint was filed with OCC.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/08 **DATE OF COMPLETION:** 01/17/09 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #3: The officer entered the complainant's residence beyond the scope of a probationer's warrantless search.

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

FINDINGS OF FACT: The preponderance of the evidence established that the officer had an outstanding arrest warrant for a probationer whose residence was the same as the complainant. Officers observed the wanted subject inside the residence. The officers' actions to enter the upper portion of the residence to affect the arrest were lawful and proper.

SUMMARY OF ALLEGATION #4: The officer's comments were inappropriate.

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

FINDINGS OF FACT: The complainant said the officer lied to his family members about his son's arrest. The officer denied the allegation. Four witnesses on scene stated they could neither prove nor disprove the allegation as they were outside the residence at the time of the conversation. Another witness on scene could not recall if the officer spoke with the complainant's family members to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/08 **DATE OF COMPLETION:** 01/02/09 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant alleges that the officers detained her without justification. The officers denied the allegation and stated that they detained the complainant for jaywalking. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to comply with DGO 2.01(14).

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

FINDINGS OF FACT: The complainant alleges that the officers failed to comply with DGO 2.01(14) by repeatedly referring to her as "sir" during the contact. The officers denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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DATE OF COMPLAINT: 10/27/08 **DATE OF COMPLETION:** 01/02/09 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #5-7: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleges that the officers behaved inappropriately and made inappropriate comment. The identified officers were questioned, and denied the allegation. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #8: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The complainant alleges that the officer issued her a citation without cause. The officer stated the complainant was cited for jaywalking. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/27/08 **DATE OF COMPLETION:** 01/02/09 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #9: The officer searched the complainant without justification.

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

FINDINGS OF FACT: The complainant alleges that the officer pat-searched her without justification. The officers that were questioned had contact with the complainant and denied the allegation. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer made a sexually derogatory comment.

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

FINDINGS OF FACT: The complainant alleges that the officer made a sexually derogatory comment during the contact. The officers that had contact with the complainant were questioned and denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/27/08 **DATE OF COMPLETION:** 01/02/09 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The complainant alleges that an officer failed to take required action by failing to take her report. The officer was not identified. The officers that were questioned and had contact with the complainant denied the allegation. No other witnesses came forward. 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: 10/27/08

DATE OF COMPLETION: 01/31/09 **PAGE#** 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated the officer had no right to arrest him. The complainant stated he had permission to sleep on the sidewalk from others within the area. The complainant admitted he was sleeping on the sidewalk and resisted the officer. Department records show the officer was dispatched to a call regarding two persons sleeping on the sidewalk. The officer stated the complainant was in violation of 647(e) PC-lodging without permission, 22(a) MPC-obstruction of the public walkway, 372(a) PC-maintaining a public nuisance after prior notification, and 148(a)(1) PC-resisting arrest and 69PC-threats to a police officer. There were no witnesses at the scene. The construction crew at the scene stated they did not give permission to the complainant to sleep on a public sidewalk or street. 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 used force on the complainant.

CATEGORY OF CONDUCT: UF

FINDING: PC

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated the officer used force during the contact. The complainant admitted he resisted and fought the officer. The officer stated he used physical control on the complainant in order to overcome the complainant's resistance and aggressiveness. There were no witnesses at the scene. 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: 10/27/08

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

CATEGORY OF CONDUCT: ND

FINDING: PC

DEPT. ACTION:

FINDINGS OF FACT: The complainant said the officer threw away his backpack, tent, and eyeglasses. The officer stated he transported the complainant's personal property to the station. The officer stated the complainant's backpack was transported with him to County Jail, while the complainant's tent was "Bag & Tag" by Department of Public Works (DPW). The incident report and the arrest card listed the complainant's personal property. 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 used profane language.

CATEGORY OF CONDUCT: D

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated the officer used profanity. The officer denied the allegation. There were no witnesses at the scene. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/08 **DATE OF COMPLETION:** 01/31/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant alleged that the officer performed an improper search.

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

FINDINGS OF FACT: The complainant alleged the officer performed an improper body search. The officer and his partner denied the allegation. There were no other witnesses. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer issued a citation due to bias.

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

FINDINGS OF FACT: The complainant stated he was issued a citation for jay walking due to the fact that he is African American and the citing officer is Asian American. The complainant admitted that he jaywalked. A witness to the contact stated the complainant jaywalked and that the officer acted professionally during the contact with the complainant. The evidence proved that the act alleged in the complaint did not occur as the citation was properly issued for the jaywalking violation and not as a result of bias.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/08 **DATE OF COMPLETION:** 01/05/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he became upset because his friend's computer was stolen in a bar, and when he spoke to the bar's bouncer about this, he was ejected. Police officers outside the bar told the complainant to calm down, then grabbed his arms. The complainant resisted the officers and was arrested for resisting a police officer and for being drunk in public. The complainant acknowledged that he was intoxicated, stating that he consumed five to six alcoholic beverages in the four hours before his arrest, two or three of them in the hour preceding his arrest and that he blacked out after he was arrested. The named officer stated that he saw the complainant attempting to push his way into a bar after being ejected by the doorman. The complainant exhibited signs of intoxication, refused to walk away and acted in an aggressive manner. When he appeared about to strike another officer, the named officer grabbed the complainant's wrist and the complainant resisted. The complainant appeared to be under the influence of alcohol and a danger to others, and was arrested with the consent of the named officer's supervisor. The named officer's supervisor and two witness officers confirmed the named officer's account. The complainant's friend stated that the officers told the complainant, who was angry and upset, to calm down and to put his hands down before they grabbed him. The complainant struggled against the officers. The evidence established that the action complained of was proper.

SUMMARY OF ALLEGATION #2-4: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that he became upset because his friend's computer was stolen in a bar, and when he spoke to the bar's bouncer about this, he was ejected. Police officers outside the bar told the complainant to calm down, then grabbed his arms. The complainant resisted the officers and was shoved to the ground, but could not specify what happened or how he was injured because he blacked out and did not regain consciousness until he was in a jail cell. The complainant was arrested for resisting a police officer and for being drunk in public. The complainant sustained a blackened eye and an abrasion to his shoulder. The complainant acknowledged that he was intoxicated, stating that he consumed five to six alcoholic beverages in the four hours before his arrest, two or three of them in the

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/08 **DATE OF COMPLETION:** 01/05/09 **PAGE#** 2 of 2
Continued

hour preceding his arrest. Photographs taken of the complainant soon after his arrest depict an abrasion above the right eye, which is also documented in the complainant's jail medical records.

The complainant's friend stated that the complainant was angry and upset, extending his arms and shaking his hands. The officers told the complainant to calm down and to put his hands down, and they grabbed him after he failed to comply. The complainant resisted when officers attempted to grab his hands. The officers pulled the complainant's hands behind his back and threw him to the floor, causing him to land face first. The complainant's friend did not think the complainant moved his head around after he was on the ground.

The named officer who arrested the complainant stated that he saw the complainant attempting to push his way into a bar after being ejected by the doorman. The complainant exhibited signs of intoxication, refused to walk away and acted in an aggressive manner. When the complainant appeared about to strike another officer, the named officer grabbed his wrist. The complainant struggled and pulled away from this officer, and when another officer grabbed one of the complainant's hands to assist in handcuffing him, the complainant resisted by straightening his arm. The first named officer used a leg sweep to take the complainant on the ground, where the complainant thrashed his head around, sustaining an abrasion above his eyebrow.

The other two officers who assisted in restraining and handcuffing the complainant confirmed the account of the arresting officer. They stated that the complainant thrashed his head around on the sidewalk after the arresting officer used a leg sweep to take him to the ground. A sergeant who was on the scene supervising the complainant's arrest confirmed the account provided by the arresting officer. He stated that the arresting officer utilized a leg sweep as it is taught at the San Francisco Police Department Academy and that the complainant sustained the abrasion above his right eye while thrashing his head back and forth on the sidewalk.

The complainant alleged that the officers used unnecessary force, but could not describe the force used due to a high level of intoxication. The statements of the named officers and their sergeant and of the complainant's friend establish that the complainant physically resisted the officers. The actions the officers took, as described by them, their supervisor and the complainant's companion did not, under the circumstances, constitute unnecessary force as defined by San Francisco Police Department regulations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/08 **DATE OF COMPLETION:** 01/17/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer disclosed confidential information.

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

FINDINGS OF FACT: The complainant stated that she has called the San Francisco Police Department numerous times to complain about her neighbors due to loud music and other noises, drug dealing and other criminal activity in the area of the public housing project where she lives. She went to court in response to a restraining order being sought by one of her neighbors. This neighbor testified that she went to a San Francisco Police Department office where an unidentified woman looked up complaints that the complainant had filed with the police against her and told this neighbor that the complainant filed these complaints. The complainant's neighbor told the Office of Citizen Complaints that she knew the complainant has filed complaints against her with the San Francisco Police Department because she has seen San Francisco Police Department officers go to the complainant's home on numerous occasions before they contacted her, and because the complainant has accompanied officers who came to her home. This neighbor told Office of Citizen Complains that she went to the records room at the Hall of Justice and spoke to an unidentified woman seeking police reports written after officers were summoned to her home by the complainant. The neighbor said she might have provided the complainant's name and address. The woman behind the counter confirmed that she was referring to the complainant, and then told this neighbor that these records could not be released without the complainant's consent. There is insufficient evidence to establish the identity of the woman the complainant's neighbor spoke to or to determine whether she is a sworn member of the department. There is also insufficient evidence to determine whether the woman the complainant's neighbor spoke to violated relevant laws or Department regulations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/08 **DATE OF COMPLETION:** 01/17/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2-4: The officers made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The complainant stated that she has called the San Francisco Police Department numerous times to complain about her neighbors due to loud music and other noises, drug dealing and other criminal activity in the area of the public housing project where she lives. The complainant stated that the named officers, who are assigned to this housing project, have told her several times over the past two years that she would be harmed or killed if she continued to complain about her neighbors. The named officers denied telling the complainant she would be harmed or killed. They stated that they have attempted to assist the complainant and have advised her not to confront her neighbors. The captain of the station where the named officers work stated that he has had numerous contacts with the complainant. The captain stated that the complainant has made numerous noise complaints against her neighbors, engendering hostility towards her, which recently took the form of an attempted arson at her home. The captain stated that he did not know whether officers under his command warned the complainant that she may be in danger but that they were justified in doing so. The complainant identified two of her neighbors with whom she has had disputes as possible witnesses to her interactions with these officers, but could not provide full names for these individuals and said she was certain they would not cooperate with the Office of Citizen Complaints investigation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The named officer is on extended military duty overseas and is unavailable to respond to this complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/08 **DATE OF COMPLETION:** 01/10/09 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The evidence proved that the action complained of did not involve a sworn member of the San Francisco Police Department. This complaint raises matters outside of OCC's jurisdiction. The complaint has been referred to:

Supervisor-Administrative Review Unit/CSC
San Francisco Municipal Transportation Authority
11 South Van Ness Avenue 3rd 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: 11/07/08 **DATE OF COMPLETION:** 01/13/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant and the complainant's attorney failed to appear for a scheduled interview. The complainant's attorney subsequently refused to allow the OCC to interview the complainant. The investigation was closed with no finding.

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

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

FINDINGS OF FACT: The complainant and the complainant's attorney failed to appear for a scheduled interview. The complainant's attorney subsequently refused to allow the OCC to interview the complainant and to obtain the complainant's medical records documenting his injuries. The investigation was closed with no finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/07/08 **DATE OF COMPLETION:** 01/13/09 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant and the complainant's attorney failed to appear for a scheduled interview. The complainant's attorney subsequently refused to allow the OCC to interview the complainant. The investigation was closed with no finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/14/08 **DATE OF COMPLETION:** 01//05/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said she tried to report an attempted assault and robbery but the officer refused to take the report. There are no incidents that match with the information provided by the complainant. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer tried to intimidate her out of filing a report. There are no incidents that match with the information provided by the complainant. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/14/08 **DATE OF COMPLETION:** 01/05/09 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #3: The officer used a derogatory term.

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

FINDINGS OF FACT: The complainant made comments regarding her sexual orientation and other comments about her appearance. There are no incidents that match with the information provided by the complainant. There is insufficient evidence to 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: 11/18/08 **DATE OF COMPLETION:** 01/31/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: Officer(s) seized complainant's property without justification.

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

FINDINGS OF FACT: The complainant stated that officer(s) took his two military style knives from him. The complainant could not provide sufficient information to identify a specific officer. The location where the alleged seizures of the complainant's property occurred had no records of any contacts between the complainant and the police. There is insufficient information to identify a named officer. There is insufficient evidence to either prove or disapprove the allegation. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #2: Officer(s) failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that he had gone to the police station to retrieve his property and no record was found of seized property belonging to the complainant. There were no records of any contacts between the complainant and the police. There is insufficient information to identify a named officer. There is insufficient evidence to either prove or disprove the allegation. The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/2/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This allegation will be referred:

Department of Parking and Traffic:
505 7th Street
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:12/04/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 1 **of** 1

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

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

FINDINGS OF FACT: The complainant stated that officer(s) harassed the complainant. The complainant could not provide sufficient information to identify a specific officer. The locations where the alleged harassment occurred had no records of any contacts between the complainant and the police. There is insufficient information to identify a named officer. 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: 12/04/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This allegation raises matters outside OCC's jurisdiction. The matter has been referred to Bart Police:

Bart Police
800 Madison
Oakland, CA 94604

SUMMARY OF ALLEGATION #2: The officer(s) displayed a firearm without justification.

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

FINDINGS OF FACT: This allegation raised matters outside OCC's jurisdiction. The matter has been referred to BART Police:

Bart Police
800 Madison
Oakland, CA 94604

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/08 **DATE OF COMPLETION:** 01/13/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he has contacted the SFPD “numerous times” in the past three years regarding drug dealing in his apartment building but no action has been taken. The complainant could not identify the officer(s) who refused to take action. A search of Computer Assisted Dispatch records of such complaints made by the complainant had negative results. The officer(s) could not be identified. Complaint to be forwarded to the commanding officer of the district where the complainant resides.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/10/08 **DATE OF COMPLETION:** 01/31/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to maintain working order.

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 January 19, 2009.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 19, 2009.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/10/08 **DATE OF COMPLETION:** 01/31/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: 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 January 19, 2009.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/10/08 **DATE OF COMPLETION:** 01/17/09 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated on December 9, 2008, she was attending a meeting regarding a training program in San Francisco. The complainant stated she heard numerous police sirens and saw several police officers driving around the block where she was attending the meeting. The complainant felt that this behavior was inappropriate and she felt harassed by the officers. The complainant stated she feels that the San Francisco Police Department is trying to keep her from furthering her education. The complainant was not able to provide any police officer names or give a description of any officers that she saw on that date. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/17/08 **DATE OF COMPLETION:** 01/09/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside 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: 12/18/08 **DATE OF COMPLETION:** 01/13/09 **PAGE#** 1 of 1

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

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

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

Department of Parking and Traffic
505 Seventh Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/19/08 **DATE OF COMPLETION:** 01/02/09 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that he was walking repeatedly around the block he lives on in a residential neighborhood around midnight, as he does every night for exercise. He saw a police officer talking from his car to a man who may have come from a nearby party. This officer and his partner drove up behind the complainant and the male officer told him to stop. The male officer asked the complainant for his identification, but the complainant did not have it with him, and gave the officers his driver's license number. The male officer questioned the complainant about where he lived, what he was doing, where he had just come from and whether he had been stalking anyone. After running a check on him, the officers left. Department records indicate that the named officer and his partner responded to a 911 call reporting that a man was following the female caller and that this man had harassed her before. The location was reported as the intersection where the complainant lives, and the description of the man given by the 911 caller matched that of the complainant. The Communications records provided to the officers referenced an incident at that location two months earlier concerning a report of an unstable individual. Communications records indicate that the officers were on the scene for seven minutes. The evidence established that given the time of night, the proximity of the complainant to the reported location of the suspect and his resemblance to the suspect description, the officers had reasonable suspicion to stop and question the complainant. The evidence established that the complainant, who was not carrying identification, was detained very briefly and released. The evidence established that the action complained of was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/22/08 **DATE OF COMPLETION:** 01/17/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer detained him without justification. The complainant stated he was walking his dog on Sunday December 21, 2008. The complainant stated he tied his dog to a parking meter while he went into a restaurant to pick up his dinner. The officer stated he approached the complainant because he saw his dog tied to a parking meter in the rain. The complainant acknowledged that it was raining that evening. According to the officer, the complainant was detained for violating section 597 (b) of the penal code cruelty to animals and 41.12 shelter requirements of the San Francisco Health Code. Section 597 (b) states every person who deprives an animal of necessary shelter or shelter from the weather is guilty of a crime punishable as a misdemeanor or felony. 41.12 shelter requirements of the San Francisco Health Code states that dogs kept outdoors are to be kept dry while raining. The officer briefly detained the complainant to run his identification for any outstanding warrants. Once the complainant was clear, the officer allowed the complainant to leave. The complainant was not issued a citation for the violation. 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 was rude to the complainant.

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

FINDINGS OF FACT: The complainant stated that during the detention, the officer was rude and his tone was threatening. The named officer and witness officer stated the named officer was polite and professional to the complainant during the detention. An independent witness stated he did not hear the entire conversation, but did not witness any inappropriate behavior by the named officer. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 12/11/08 **DATE OF COMPLETION:** 01/05/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint 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: 12/24/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 1 of 1

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

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

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

Officer in Charge
Tenderloin Station
San Francisco Police Department
301 Eddy Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/08 **DATE OF COMPLETION:** 01/31/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she was driving her vehicle when a second private vehicle almost caused an accident. The complainant said she pulled up to a red light and exchanged words with the driver of the second vehicle. That driver then pulled out a possible police star, displayed it to the complainant and stated through a closed window that she was a “cop”. The complainant stated the proffered badge had gold on the star points, with blue coloring in the middle and was gold colored. The complainant did not know the driver of the second vehicle but provided the second vehicle’s California License Plate number for identification. A records request was made to the San Francisco Police Department that was denied pursuant to 11142PC. The OCC has no current ability to obtain the identify the owner of the vehicle. OCC is forwarding this complaint for investigation to:

Management Control Division
San Francisco Police Department
850 Bryant Street, #545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #2: The officer used a sexual slur.

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

FINDINGS OF FACT: The complainant stated she was involved in a near accident with a second vehicle. The driver of the second vehicle flashed a badge at the complainant and identified herself as a “cop”. The complainant said this person used a sexual slur. The OCC has no current ability to identify this person based on a vehicle license plate number. The complaint has been forwarded for investigation to:

Management Control Division
San Francisco Police Department
850 Bryant Street, #545
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/08 **DATE OF COMPLETION:** 01/31/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated a person driving a private vehicle who identified herself as a “cop” drove improperly. The complainant provided a California Vehicle License Plate number to assist in the identification process. The OCC has no current ability to identify the driver from the vehicle license plate information. The complaint has been forwarded for investigation to:

Management Control Division
San Francisco Police Department
850 Bryant Street, #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: 12/30/08 **DATE OF COMPLETION:** 01/10/09 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Management Control Division
850 Bryant Street
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: 12/29/08 **DATE OF COMPLETION:** 01/09/09 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/05/09 **DATE OF COMPLETION:** 01/17/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters not within OCC's jurisdiction. It was referred for further investigation to:

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/05/09 **DATE OF COMPLETION:** 01/17/09 **PAGE#** 1 of 2

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

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

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

San Francisco Police Department
Management Control Division
850 Bryant Street, Room 545
San Francisco, CA 94107

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

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

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

San Francisco Police Department
Management Control Division
850 Bryant Street, Room 545
San Francisco, CA 94107

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/05/09

DATE OF COMPLETION: 01/17/09

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SUMMARY OF ALLEGATIONS #5-6: The officers filed false charges.

CATEGORY OF CONDUCT: UA

FINDING: IO1

DEPT. ACTION:

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

San Francisco Police Department
Management Control Division
850 Bryant Street, Room 545
San Francisco, CA 94107

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/05/09 **DATE OF COMPLETION:** 01/10/09 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: **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: