

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/09 **DATE OF COMPLETION:** 03/14/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer ordered a vehicle search without cause.

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

FINDINGS OF FACT: The evidence proved that the vehicle registration was expired therefore the inventory search of the vehicle pursuant to the tow was justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer's comments and demeanor were inappropriate.

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

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

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SUMMARY OF ALLEGATIONS #3-4: The officers searched a vehicle without cause.

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

FINDINGS OF FACT: The evidence proved that the vehicle was lawfully searched pursuant to a vehicle tow. The actions of the officers 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 failed to take required action.

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

FINDINGS OF FACT: All four officers identified by name by the complainant denied having any contact with the complainant and therefore did not detain nor handcuff him. A search of CADs and Unit History's recovered no documented evidence of contact between the officers identified by the complainant. There were no identified witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #2: The officer caused damage to the complainant's property.

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

FINDINGS OF FACT: All four officers identified by name by the complainant denied having any contact with the complainant. A search of CADs and Unit History's recovered no documented evidence of contact between the officers and the complainant. There were no identified witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The complainant stated the officers searched his residence without probable cause. The complainant admitted to the Office of Citizen Complaints that he was on parole. As a condition of his parole, the officers had the right to search the complainant's residence without a warrant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer handcuffed him without justification during an investigation. The witness observed the handcuffing. He stated the responding officers first asked the complainant if he was on parole. The complainant admitted that he was. The officer handcuffed the complainant. The officer's partner explained to the complainant that the police had the right to handcuff him under the conditions of his parole. 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 ALLEGATIONS #4-5: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated an officer said his residence was dirty. Another officer asked him where he kept his crack pipe. The witness affirmed that the residence had been dirty and unsanitary. He also said the officers found rolling papers, or some form of narcotics paraphernalia. The officers denied the allegation.

SUMMARY OF ALLEGATIONS #6: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated the officer stated he would find a way to send him back to jail. The officer denied the allegation. The witness did not hear this portion of the exchange between the officer and the complainant. No additional witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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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 forward to:

California Highway Patrol
455 8th 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: The officer used force during the detention of a juvenile.

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

FINDINGS OF FACT: The complainant stated she observed an officer slap a female juvenile, knock her down and push her face in the ground. The investigation revealed that multiple officers went to the aid of a loss prevention agent who caught the juvenile stealing merchandise from a department store. The loss prevention agent stated the juvenile scratched and pinched him. He stated he lost two fingernails in the scuffle. The named officer stated the juvenile resisted arrest and ran when he tried to handcuff her. The officer took the juvenile to the ground using a Department-approved physical control. He denied slapping or pushing her face into the ground. Three officers at the scene stated the juvenile resisted arrest, and denied that the named officer slapped the juvenile or pushed her face in the ground. The loss prevention agent as well as a Sheriff's Deputy at the scene, stated the juvenile was violent and resisted arrest. They further stated the named officer did not slap the juvenile or push her face to the ground. No one observed visible injuries on the juvenile. The officer's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/21/09 **DATE OF COMPLETION:** 03/23/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer made inaccurate statements in the incident report, specifically that he worked with the elderly and with juveniles. However, the complainant identified himself as a director of a social services agency that works with foster children. In fact, he has made several police reports regarding missing foster children. He also alleged that the officer refused to allow him to amend the incident report. Department records showed that the officer prepared a supplemental incident report with the complainant's handwritten statement attached. The officer's conduct was proper.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer had no authority to forward an incident report to Social Services and Adult Protective Services. The officer had both the authority and the legal obligation to do so. The officer was appropriately suspicious of the care of unsupervised juveniles in "transitional housing" run by the complainant's social services organization. She was also appropriately concerned about the elderly, disabled owner of an apartment complex managed by the complainant without any oversight. Several tenants made complaints about the complainant visiting female juveniles in "transitional housing" in the complex. In addition, the complainant's social services agency is not registered with the State and no information about the agency could be located. No one answered repeated calls to the agency.

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DATE OF COMPLAINT: 01/21/09 **DATE OF COMPLETION:** 03/30/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was in a traffic accident and requested a copy of the report two days later. After more than five weeks, he had not received a copy of the report, so he called the Captain of the Records Department and was told there was no report in the database.

The officer who prepared the report stated that, at around the time the complainant called the Captain, a representative of the Records Department asked him for a copy of the report, and he provided them with a copy. The officer also provided a copy of the report during his OCC interview. The report was not time-stamped by the Records Department. The Records Department also provided the OCC with a copy of the report, but it was time-stamped with the date it was retrieved, not the date it was prepared.

Computer records proved that the officer prepared this report on the date of the accident. The officer stated he kept a copy for himself and the Traffic Company and also gave a copy to the lieutenant, per Department policies and procedures. The officer stated he never received a telephone message from the complainant or any members of the Department asking for the report. While it is unclear what happened to the report after it was placed in the lieutenant's box, the officer's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer(s) failed to investigate.

CATEGORY OF CONDUCT: ND

FINDING: NF/W

DEPT. ACTION:

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

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:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleged the officer used profanity toward a male subject on the street. The officer denied the allegation. The subject individual was identified and interviewed. The subject denied the officer used profanity toward him and had no recollection of the encounter with the officer. No other witnesses came forward. There was no additional evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant alleged that the officer used the word “idiot” toward a male subject. The officer acknowledged that he might have referred to the subject as an “idiot.” There was a preponderance of evidence that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant stated he requested a copy of his police reports and at the time he was told that there were no records of the reports. Two of the reports were provided by San Francisco Police Department to the Office of Citizen Complaints but the third was not in the system. The officer stated she prepared two of the reports and has no idea why a third report would not have been written. The only explanation she could think of was that she could have accidentally generated a report number that she did not end up using. An incident report audit was conducted for the missing report, which was negative. The technology officer said that if the report was hand written it would not show up in the system and there is no system to audit case numbers that are not used by officers that were generated through dispatch. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officers took the neighbor's statement as the truth and did not investigate the complainant's side of the story. The officers denied the allegation. One witness stated that the complainant was asleep during the incident. The complainant provided a video filmed by his nephew on the date of this incident with the neighbors but the video does not show incriminating or exonerating evidence. Other witnesses listed on report did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he did not violate the restraining order by trying to pour beer on the neighbor from a balcony. The officers denied the allegation. One witness stated that the complainant was asleep during the incident. The complainant provided a video filmed by his nephew on the date of this incident with the neighbors but the video does not show incriminating or exonerating evidence. Other witnesses listed on report did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officers again took his neighbor's statement as the truth and did not investigate his nephew's side of the story. The complainant said his nephew was accused of making death threats to the neighbor and his family via a voicemail message. The officers stated that an inspector sent them to make the arrest. The inspector stated that they had evidence and probable cause to make an arrest. The witnesses did not respond for an interview. The inspector's chronological documents that there was an investigation and probable cause to make this arrest.

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SUMMARY OF ALLEGATION #7-10: The officers arrested the complainant's nephew without cause.

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

FINDINGS OF FACT: The complainant stated that his nephew did not make threats to his neighbor. The neighbor accused him because the voice of a person with a Mexican accent made the voicemail in question. The complainant said his nephew is Salvadorian and has a different accent. The officers stated that they were assigned to make the arrest per the inspector assigned to the case. The Inspector stated that the information contained in the voicemail was information that only the involved parties would know. The information gathered by the inspector was enough to make an arrest. As such, the officers had the authority to make the arrest.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that the officers failed to investigate his reports of strange, intermittent odors occurring in his residence. One officer stated he offered to come to the complainant's residence but he refused, saying he did not want police inside his residence. This officer advised the complainant to contact the Fire Department or the Department of Public Health the next time the odor occurred. The officers did not have a duty to investigate strange intermittent odors not related to any criminal activity. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT: The complainant stated the officer gave him a citation without cause. The complainant failed to respond to the numerous attempts to record an interview with him. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #2: The officer searched the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated the officer searched his vehicle without justification. The complainant failed to respond to the numerous attempts to record an interview with him. The complainant failed to provide additional requested evidence.

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

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

FINDINGS OF FACT: The complainant stated the officer searched him without justification. The complainant failed to respond to the numerous attempts to record an interview with him. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #4: The officer was rude to the complainant.

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

FINDINGS OF FACT: The complainant stated the officer was rude to him. The complainant failed to respond to the numerous attempts to record an interview with him. The complainant failed to provide additional requested evidence.

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

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force during the arrest. The complainant said the officer grabbed and threw her against his patrol car. The complainant said the officer also slammed her companion against the patrol car. The officer denied the allegation, stating he did not use force on either subject. A civilian witness said the officers at the scene did not use any force, and said another officer restrained the complainant by holding her arms because the complainant was struggling. The evidence proved that the alleged act did not occur.

SUMMARY OF ALLEGATIONS #2-3: The officers improperly searched the complainant.

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

FINDINGS OF FACT: The complainant alleged that the officers improperly searched her. The complainant alleged one officer touched her breasts, and the other officer searched her pockets. Both officers denied touching the complainant's breasts, and stated they conducted an arrest search of the complainant's pockets to recover stolen property belonging to the victims. A female witness stated that the officers did not touch the complainant's breasts. The evidence further showed that the arrest search was not intrusive and was made in the presence of several civilian witnesses who were mostly females. The officers' conduct was proper.

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SUMMARY OF ALLEGATION #4: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged the officer commented that she and her companion were feeling “ghetto fabulous.” The officer denied the allegation. A female witness stated the officer did not make this comment. There is no evidence that the witness was present during the entire time the officer and the complainant were together. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #5: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged that the officer lied when he told her that he found a credit card on the ground when he searched her pockets. She further stated officers did not recover any stolen property from her. However, the Incident Report documented that a credit card was among several stolen items recovered from the complainant’s pockets. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer handcuffed the complainant too tightly.

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

FINDINGS OF FACT: The complainant alleged that while inside the police station, the officer tightly handcuffed one of her hands to a bench. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer failed to loosen the complainant's handcuffs.

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

FINDINGS OF FACT: The complainant said while inside the police station, the officer tightly cuffed one of her hands to a bench. The complainant said she told the officer that her handcuff was too tight and asked the officer to loosen it. The complainant said the officer laughed at her and walked away. The officer denied the allegation and stated the complainant did not complain that her handcuff was tight. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to properly document the complainant's arrest.

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

FINDINGS OF FACT: The officer allegedly failed to properly document the complainant's arrest. The evidence showed that the officer was initially at the scene of another incident when he responded to a second incident involving the complainant. Dispatch erred when it assigned one computer-aided dispatch (CAD) number and one incident report number to both incidents. When the officer prepared his report, he inadvertently used the CAD number as the incident report number. However, the incident report adequately documented the event that transpired leading to the complainant's arrest, and the mix-up in numbers was a harmless error. The officer's conduct was proper.

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.

CATEGORY OF CONDUCT: UF **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:

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

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

FINDINGS OF FACT: The complainant alleged the officer failed to conduct a traffic stop. The complainant alleged a motorist committed a moving violation in the presence of the officer and the officer failed to act on the violation. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officer honked or sounded his siren while driving behind her on February 18, 2009. The complainant stated the officer pulled up on the passenger side of her vehicle and yelled at her stating there is a right turn lane and she should go. The officer stated he was driving behind the complainant on February 18, 2009. The officer stated he did honk his horn at the complainant but did not sound his siren. The officer stated the complainant had her right signal light turned on but was in the center lane not utilizing the right turn lane which is a violation of 22100(a) CVC and that the complainant was also blocking traffic which is a violation of 22400a) CVC. The officer stated he pulled in the right turn lane on the passenger side of the complainant. The officer stated his window was rolled down but the complainant's passenger window was not, so he projected his voice so she could hear him tell the complainant to utilize the right turn lane. The officer stated he did not raise his voice in a disrespectful manner. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #2: The officer displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated an officer honked or sounded his siren while driving behind her on February 18, 2009. The complainant stated an officer pulled on the passenger side of her vehicle and yelled at her stating there is a right turn lane and she should go. Another officer has admitted to being the officer that was driving the vehicle on February 18, 2009 and who committed the alleged acts. The evidence proved that the named member was not involved in the acts alleged.

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

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

FINDINGS OF FACT: While driving her automobile during the early morning hours, the complainant damaged her automobile when her vehicle hit a log in the road. An unidentified police officer failed to stop and render assistance when the complainant attempted to flag down the patrol car the officer was driving. The complainant allegedly sought to get the officer's attention by standing in the middle of the road and waving her arms. The officer's identity could not be determined as a result of an "Officer Poll" conducted by the captain of the station, review of the Unit Histories of officers on duty at that time in or near the particular sector, and review of incidents near the location on the same date near the same time. 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 made an arrest without cause.

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

FINDINGS OF FACT: The complainant made a personal visit to the Office of Citizen Complaints and submitted a handwritten complaint; however, the complainant did not wait to be interviewed. The complainant alleged the officer engaged in racial profiling by arresting an unidentified male of African heritage. Various attempts were made to contact the complainant for additional information, but the complainant never responded. 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 made an arrest without cause.

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

FINDINGS OF FACT: The complainant made a personal visit to the Office of Citizen Complaints and submitted a handwritten complaint; however, the complainant did not wait to be interviewed. The complainant alleged the officer arrested an unidentified Hispanic male and later released this individual without issuing a citation to the individual. Various attempts were made to contact the complainant for specific information, but the complainant never responded. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/11/09 **DATE OF COMPLETION:** 03/30/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers participated in racial profiling.

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

FINDINGS OF FACT: The complainant made a personal visit to the Office of Citizens Complaints and submitted a complaint; however, the complainant did not wait to be interviewed. The complainant alleged from February 25, 2008 through approximately February 11, 2009, the officers pursued and promoted a policy of racial profiling, targeting the complainant and citizens of different ethnic backgrounds within certain communities of San Francisco. The complainant did not provide any specific details concerning his allegation. Various attempts were made to contact the complainant for specific information, but the complainant never responded. 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: 02/27/09 **DATE OF COMPLETION:** 03/07/09 **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:

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: 02/27/09 **DATE OF COMPLETION:** 03/31/09 **PGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/09 **DATE OF COMPLETION:** 03/05/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant alleged the officer displayed inappropriate behavior.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/06/09 **DATE OF COMPLETION:** 03/07/09 **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:

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: 03/28/08 **DATE OF COMPLETION:** 03/05/09 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION # 1: The officer failed to take a report of a crime.

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

FINDINGS OF FACT: The complainant stated that he observed an attempted bicycle theft and he reported this crime to the officer but the latter failed to take his report. The named member stated that he offered the complainant to take his report but the complainant, in essence, declined this offer. There were no other witnesses to this part of the incident. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he observed a person attempting to steal a bicycle and pointed out this individual to the officer but the latter failed to arrest the suspect. The named member stated that he, in fact, detained the person identified by the complainant and released him after a search and a warrant check because there was no evidence for continued investigation and because the complainant was not around to provide additional information regarding the suspected crime. The complainant's and the officer's accounts regarding this incident differed in several aspects. The relevant Department records regarding this police contact were inconclusive to support the statements from either the complainant or the officer. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/08 **DATE OF COMPLETION:** 03/05/09 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that he felt the officer “unlawfully detained” him during this incident. The named member stated that the complainant was actually never detained during this incident. Contrary to the complainant’s belief concerning “unlawful detention,” his own account of the incident did not support this assertion. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION # 4: The officer requested the complainant’s identification without justification.

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

FINDINGS OF FACT: The complainant stated that the officer requested his identification without any legitimate reason. The named member acknowledged that he indeed asked the complainant for his bar card and the complainant voluntarily provided it to the officer. The existing law does not require police officers to have specific reasons for requesting a person’s identification during consensual encounters. Based on the complainant’s account of this incident, his contact with the named member did not rise beyond the level of consensual encounter and the manner, in which the officer requested the complainant’s identification was non-coercive. The evidence proved that the acts which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/08 **DATE OF COMPLETION:** 03/05/09 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named members acted inappropriately and made inappropriate comments to him during the incident. Both named members denied acting in the alleged manner and making the alleged comments. There were no other identifiable witnesses to their encounter. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION # 7: The officer failed to take a citizen's complaint

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

FINDINGS OF FACT: The complainant stated the officer did not take his complaint against a subordinate officer. The named member stated that at no time did the complainant say that he wanted to file a complaint. The second officer involved in this incident stated that he did not hear the complainant's conversation with the named member. There were no identifiable witnesses to this part of the incident. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/18/08 **DATE OF COMPLETION:** 03/25/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was erroneously detained for no apparent reason. The complainant could not identify the officer(s) responsible for the detention since he filed this complaint over sixteen months after the actual event and had vague recollection of the incident. Three officers involved in this contact denied detaining the complainant. No other witnesses came forward. The available evidence was insufficient to identify the officer(s) responsible for the alleged misconduct and 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 that he was arrested after he began protesting his unlawful detention. The named member did not recall the incident. The statements from other officers involved in this police contact were inconclusive. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/18/08 **DATE OF COMPLETION:** 03/25/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used unnecessary force and excessively tight handcuffs.

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

FINDINGS OF FACT: The complainant could not identify the officer(s) responsible for the alleged misuse of force since he filed this complaint over sixteen months after the actual event and had vague recollection of the incident. Three officers involved in this contact denied acting in the alleged manner during the complainant's arrest. No other witnesses came forward. The available evidence was insufficient to identify the officer(s) responsible for the alleged misconduct and to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/10/08 **DATE OF COMPLETION:** 03/14/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-3: The officers towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainants stated the officers towed their vehicle without justification. The complainant stated he was not driving the vehicle on the day in question. The officers stated they saw the complainant driving the vehicle. The officers stated they knew the complainant had a suspended license. The officers stated an officer conducted a records search on the complainant and confirmed the suspended license as well as an active warrant. The officers stated the vehicle was towed under the tow authority 22652 (p) VC. There is an independent witness but the witness is not able to confirm or deny if the complainant was driving the vehicle. The witness can only confirm that the vehicle was towed and the complainant was arrested. There was insufficient evidence to either prove, or disprove the allegations made in this complaint.

SUMMARY OF ALLEGATION #4-6: The officers harassed/retaliated against the complainants for past-filed OCC complaints.

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

FINDINGS OF FACT: The complainants stated the officers were retaliating and harassing them because of past-filed OCC complaints. The complainants feel the officers continue to pull them over and tow their vehicle without justification. The officers stated they have not retaliated or harassed the complainants for past-filed complaints, nor do they know of any other officer that has harassed or retaliated against the complainant for past-filed OCC complaints. There are no independent witnesses. There was insufficient evidence to either prove, or disprove the allegations made in this complaint.

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DATE OF COMPLAINT: 04/10/08 **DATE OF COMPLETION:** 03/14/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #7: The officer failed to conduct a proper investigation.

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

FINDINGS OF FACT: The complainant stated during her tow hearing the tow officer did not document her hearing properly. There were no records of the hearing kept. Due to the fact that there were several officers working that day, the tow desk was not able to identify the specific tow officer that conducted the tow hearing. The complainant failed to respond to numerous attempts to get the name of the tow officer. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #8: The officer failed to take required action at a tow hearing.

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

FINDINGS OF FACT: The complainant states she applied for a fee waiver to get her vehicle released. The complainant states the officer stated there was no record of the fee waiver. The complainant states the officer failed to release her vehicle to her. Due to the fact that there were several officers working that day, the tow desk was not able to identify the specific tow officer that conducted the tow hearing. The complainant failed to respond to numerous attempts to get the name of the tow officer. The complainant failed to provide additional requested evidence.

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DATE OF COMPLAINT: 04/03/08 **DATE OF COMPLETION:** 03/14/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: An unidentified officer used unnecessary force at the station and during the transport.

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

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

SUMMARY OF ALLEGATION #2: An unidentified officer made inappropriate comments and behavior.

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

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

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DATE OF COMPLAINT: 04/03/08 **DATE OF COMPLETION:** 03/14/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: An unidentified officer used profanity towards the complainant at the police station.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/18/08 **DATE OF COMPLETION:** 03/23/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that a theater security guard assaulted him but the responding police officers failed to investigate the incident, arrest the assailant and write a report regarding the occurrence. The named members did not recall the incident. The Communications records showed that, at the time of the incident, the named members notified dispatch that the complainant refused to speak with the police. The theater security manager stated that he was at the scene of the alleged assault at the time when it supposedly occurred but he did not see anything out of the ordinary. By the complainant's description, the manager could not identify the security guard, who allegedly assaulted the complainant. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer exhibited rude manner and behavior

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

FINDINGS OF FACT: The complainant stated that one of the officers involved in this incident used uncivil language and threatened to take him to jail. Neither of the two officers who handled this incident recalled its details. The theater security manager, who was present at the time of the event, did not recall either the crime alleged by the complainant or the subsequent police response to the scene. No other witnesses came forward. The available evidence was insufficient to identify the officer responsible for the alleged misconduct and to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/19/08 **DATE OF COMPLETION:** 03/31/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said the officer, who had responded to her residence before, inappropriately accused her of calling 911 after she had denied being the 911 caller. The officer denied the allegation. Other witnesses on scene could not verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The preponderance of the evidence established that the responding officers had justifiable cause to enter the complainant's residence to check on her well being and locate the weapon reported in the suicide attempt call. The officer's actions were lawful and proper.

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DATE OF COMPLAINT: 06/19/08 **DATE OF COMPLETION:** 03/31/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4-5: The officers aimed their weapons at the complainant without justifiable cause.

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

FINDINGS OF FACT: The officers and other witnesses on scene denied the allegation. There were no other witnesses who could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6-7: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant confirmed her telephone number was the same number registered at DEM for the suicide attempt with a knife call, but she accused her neighbor of making the prank call. The officers investigated the matter and found there was neither merit to the attempted suicide nor to the neighbors making the 911 call. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/14/08 **DATE OF COMPLETION:** 03/23/09 **PAGE #** 1 of 6

SUMMARY OF ALLEGATIONS #1-2: The officers detained the complainants at gunpoint without justification.

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

FINDINGS OF FACT: The complainant said she was detained at gunpoint as she was driving away from her home, having engaged in no crime. The named officers acknowledged they initiated the stop. The officers said they were waiting for someone to get in a car reported to be used in a robbery, and conducted a high-risk stop on the car because they could not tell if the driver was a suspect, or if there was a second person in the car. Department records indicated the complainant's car matched the physical description and had a license plate that was similar, but the gender of the complainant was different than the robbery suspects. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #3-6: The officers improperly seized the complainant's property.

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

FINDINGS OF FACT: The named officers acknowledged seizing the complainant's car, on the instructions of a Robbery Division inspector. The Robbery inspector confirmed he requested the car be held for processing. One witness officer confirmed the seizure of a car reported to be used in a robbery is standard practice. Department records indicated the complainant's car was identified as being used in a robbery. No other witnesses came forward. The evidence proved that the acts, which formed the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/08 **DATE OF COMPLETION:** 03/23/09 **PAGE #** 2 of 6

SUMMARY OF ALLEGATIONS #7-8: The officers failed to release a vehicle.

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

FINDINGS OF FACT: The named officers denied the allegation, stating that they had no duty to release the car, as the car was being held by the Robbery Division and could only be released by that division. One witness officer confirmed that he had requested the car be held and that the release of the car was required to be done by the Robbery Division. The evidence proved that the acts that formed the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #9: The officer failed to release a vehicle.

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

FINDINGS OF FACT: The complainants said they attempted to get a car returned immediately after it was seized but officers delayed the release, costing them extra fees. The named officer acknowledged he was the assigned officer and had the authority to release the car. He denied the allegation, saying he returned calls but did not recall the complainant asking for the car to be returned. He said he explained the car would be released when it was processed. He said he arranged with the co-complainant to personally provide her with a release form. The named officer did not document the phone conversation during which the co-complainant agreed to meet, did not document the time of the notification by Crime Scene Investigation that the car was processed. The named officer said he never had an indication the co-complainant wanted the car before the arranged meeting. Department records indicate the named officer acknowledged during his first conversation with the complainant her desire to have the car released. Department records further indicated the car was released 3-4 days after the processing was completed. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #10: The officer prolonged the detention of the complainant without justification.

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

FINDINGS OF FACT: The named officer acknowledged that he took part in the detention and issued a citation to the complainant, but said that he was a recruit on probation at the time of the incident and being directed on actions to take. Two other officers acknowledged they were in charge of the recruit and/or acknowledged they made the decision to detain and release the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #11-12: The officers prolonged the detention of the complainant without justification.

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

FINDINGS OF FACT: The complainant said she was detained in her car at gunpoint, transported to a police station, held in handcuffs for two hours, after which she was released with a traffic citation unrelated to the investigation the officers announced they were conducting. The named officers acknowledged the alleged actions, but denied the allegations, saying the circumstances of the detention were justified. A review of pertinent laws, applicable regulations and Department training on arrest laws indicated the named officers knew or should have known that they could not prolong the detention of the complainant because probable cause did not exist to make a custodial arrest. A preponderance of the evidence proved that the conduct complained of did occur and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #13-14: The officers issued a citation without cause.

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

FINDINGS OF FACT: The officers denied the allegations, saying they saw the complainant run a stop sign. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #15: The officer acted inappropriately by providing an incorrect case number to the complainant.

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

FINDINGS OF FACT: The named and one witness officer denied the allegation, stating that the issuance of the incorrect case number was an unintentional typographical error. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #16: The officer harassed the complainant without justification.

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

FINDINGS OF FACT: Several officers who acknowledged that they were involved in this incident denied the allegation that their actions were harassment. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to log E585 traffic stop information.

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

FINDINGS OF FACT: The named officer acknowledged that he was instructed by his Field Training Officer to make the required entry and thought he did so. He provided no evidence that he documented the stop. A search of Department records uncovered no evidence that the entry was made. A preponderance of the evidence showed that the conduct complained of did occur and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF OCC ADDED ALLEGATION #2: The officer wrote an inaccurate or incomplete citation.

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

FINDINGS OF FACT: The named officer, who had been on the job for two months, said he did not enter the time on the citation because he initially did not know whether the time corresponded to time of violation or time of citation issuance. Witness officers, including the named officer's Field Training Officer and Platoon Commander at the time, disagreed as to which time applied. The evidence proved that the action complained of was the result of inadequate training or an absence of training when viewed in light of Department policy and procedure.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/22/08 **DATE OF COMPLETION:** 03/05/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denies the allegation, saying that the citation was justified. However, there are no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments during the traffic stop.

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

FINDINGS OF FACT: The officer denies the allegation, saying that his comments were responses to comments made by the complainant, and appropriate. However, there are no witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 06/05/08 **DATE OF COMPLETION:** 03/11/09 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-3: The officers conducted a traffic stop without cause.

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

FINDINGS OF FACT: The complainant stated an unmarked police unit containing three plain-clothes officers improperly stopped her car and ordered her out of her vehicle, detaining her without justification. The complainant stated she had been visiting a relative living in the neighborhood and observed the officers following her prior to the stop. She stated that after the stop, the officers ordered her out of her car, detaining her and questioning her. The officers denied the allegation, stating they did not recall the circumstances of the stop. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer searched the vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that while she was detained by plain-clothes police officers, one of the officers searched the passenger and trunk compartment of her vehicle including her purse inside the passenger compartment without cause. The officer denied the allegation, stating he smelled an odor of marijuana emanating from the vehicle at the time he approached the complainant's vehicle. He searched the complainant's car, with negative results. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that while she was detained by plain-clothes police officers, one of the officers told her she had a “nice” car and asked her if it belonged to her. The complainant stated the officer on the driver side of her car said this to her. The officer denied the allegation, saying he made no inappropriate comments. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated that while she was detained by plain-clothes police officers, one of the officers asked her “Don’t I know you from Double Rock?” a comment she interpreted as racial profiling. The complainant stated the officer was on the passenger side of her vehicle when she was stopped, but had no further description. The officers denied the allegation. There was more than one officer at that location of the complainant’s vehicle and the Office of Citizen Complaints was unable to identify the officer. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 06/05/08 **DATE OF COMPLETION:** 03/11/09 **PAGE#**3 of 3

SUMMARY OF OCC ADDED ALLEGATIONS #1-3: The officers failed to follow Department General Order 5.08.

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

FINDINGS OF FACT: In her taped Office of Citizen Complaints interview, the complainant stated that three male plain-clothes police officers, driving an unmarked vehicle stopped her as she drove her car. The complainant stated she only recognized the men as officers because of their unmarked car and their red lights and a siren she heard prior to the stop. The complainant did not recall any other trappings of authority displayed by the officers, such as a display of stars, as required by the Department General Order 5.08. Two officers said they did not recall the contact. One officer did not recall calling a marked unit to the scene. Department records reflect the officer failed to call a marked unit to the scene, contrary to 5.08. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/05/08 **DATE OF COMPLETION:** 03/31/09 **PAGE#** 1 of 5

SUMMARY OF ALLEGATIONS #1-2: The officers used excessive force during the arrest.

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

FINDINGS OF FACT: The preponderance of the evidence established that due to a language barrier complainant and the officer were unable to communicate to avoid the use of physical control to overcome the complainant's resistance to place her into custody. Due to a preexisting condition, coupled with her resistance during the arrest and handcuffing, the complainant sustained soft tissue injury and pain to her right wrist and shoulder without fractures, dislocation or significant degenerative changes. Due to a past surgery with sustained bone atrophy, medical evidence was inconclusive to ascertain if she had additional dysfunction to her right shoulder. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said she does not understand English, but her daughter told her the officer made certain inappropriate comments toward her. The complainant also alleged the officer behaved inappropriately during their interactions. Several witnesses on scene gave conflicting statements regarding the behavior and comments of the officer as well as the complainant and her daughter. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said that she does not understand English, but according to her daughter the officer called her a racially derogatory remark. The complainant's daughter confirmed the accusation; no witness on scene was able to corroborate it. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer applied handcuffs too tight.

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

FINDINGS OF FACT: The complainant stated the officer applied handcuffs on her too tight. The officer, an off-duty officer, and other witnesses on scene stated the complainant resisted her arrest requiring additional physical controls in order to accomplish her handcuffing. The officer denied the allegation and stated he checked the handcuffs for proper tightness and double-locked them. Due to a preexisting condition on her right shoulder, coupled with her resistance during the arrest and handcuffing, the complainant sustained numbness, and soft tissue injury to her right wrist without fracture, dislocation or significant degenerative change. However, the medical evidence was inconclusive to ascertain whether or not the degree of force used was excessive in this arrest. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer failed to loosen tight handcuffs.

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

FINDINGS OF FACT: The complainant stated she asked the arresting officer in Spanish to loosen the handcuffs on her while walking to a patrol car. The officer denied the allegation of hearing the complainant ask to loosen the handcuffs and stated there was no need to loosen them up as he personally checked the handcuffs for proper tightness and double-locked them. Witnesses and officers on scene could not prove or disprove the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7-8: The officers failed to follow proper procedures as detailed in Department General Order 5.20.

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

FINDINGS OF FACT: The preponderance of the evidence established the officers failed to follow proper procedures to request for a qualified bilingual officer, seek a qualified civilian interpreter or contact the language line to ensure timely and accurate communication with the complainant in her primary language before or after her arrest. The officers' failure to provide appropriate language assistance services to the complainant and failure to confirm or supplement the initial interpretation services from two unqualified civilian interpreters on scene once the exigency had passed was in violation of Section III. of General Order 5.20.

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SUMMARY OF ALLEGATION #9: The officer failed to follow proper procedures as detailed in Department General Order 7.01

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

FINDINGS OF FACT: The preponderance of the evidence established the officer neglected his duty to record a parental notification in his incident report as required by General Order 7.01.

SUMMARY OF ADDED ALLEGATIONS #1-2: The officers failed to properly supervise.

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

FINDINGS OF FACT: The preponderance of the evidence established the officers reviewed and approved an incident report deficient of Department General Order 5.20 duties and 7.01 notification requirements, and failed to take supervisory action to rectify the deficiencies.

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SUMMARY OF ADDED ALLEGATIONS #3-4: The officers failed to log and document a reportable use of force.

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

FINDINGS OF FACT: The preponderance of the evidence established the officers received notification of a reportable use of force from the incident report prepared by the arresting officer, but failed to log it in the use of force log pursuant to General Order 5.01.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1: The officers conducted a poor investigation.

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

FINDINGS OF FACT: The complainants stated the officers conducted a poor investigation into the traffic accident. The complainants disagreed with the officers' investigation in the traffic report, which placed them as the cause for the collision. The officers stated that all parties including witnesses at the scene were interviewed, vehicle damages were noted, an ambulance was called to the scene, and a police traffic report was generated. A witness verified the police interviewed him and the other drivers. There is insufficient evidence to prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #4: The officer wrote an incorrect incident report.

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

FINDINGS OF FACT: The complainants stated the officer made a report that was filled with false statements. The complainants said they made a defensive right turn and not a lane change. The complainants indicated the report's diagram lacked large debris notation and photos were not taken of the accident scene. The complainants stated the report indicated a sideswipe collision impact instead of a broadside. The complainants said their car color was incorrect and their last name was misspelled. The complainant said the officers did not conduct a drug or alcohol evaluation of the involved drivers. The officer stated the traffic investigation report was based on the investigating officers' investigation. The officer said the investigating officers collected the drivers, and witnesses' statements. The officer stated photos of the accident were not needed or required and the cars colors car can appear different due to the dark lighting conditions. A witness confirmed his statement in the report for accuracy regarding two cars turning. There is insufficient evidence to prove or disprove the allegations made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant said the officer was hostile, aggressive, yelled, and screamed at them. The complainants stated the officer was not sympathetic and failed to listen to them. The complainants admitted one of them was very assertive but not abusive toward the officers. The officer said he spoke with the complainants and interviewed them and others at the scene. The witness was not sure what was said between the officers and the complainants. The witnesses stated the officers at the scene did not yell or scream at the complainants. There is insufficient evidence to prove or disprove the allegations 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 entered the residence.

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

FINDINGS OF FACT: The San Francisco Police Department officers on scene were backing up a parole officer, who conducted the search of the residence in response to a complaint of criminal activity made by a person against a parolee who lived there. The evidence shows that SFPD officers entered the residence at the behest of the parole officer, as backup for him. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer searched the residence.

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

FINDINGS OF FACT: The San Francisco Police Department officers on scene were backing up a parole officer, who conducted the search of the residence in response to a complaint of criminal activity made by a person against a parolee who lived there. The evidence shows that the San Francisco Police Department searched the residence as part of a parole search, and they were told where in the common areas of the home to search by the parole officer. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #3-#5: The officers arrested the complainant.

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

FINDINGS OF FACT: The complainant admitted resistive and delaying behavior, which gave the officers probable cause to arrest her. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #6-#9: The officers displayed their weapons without cause.

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

FINDINGS OF FACT: The parolee being contacted was on parole for armed robbery, and thus had a history of being armed. The officers drew their weapons as a reasonable officer safety based precaution. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #10: The officers engaged in inappropriate behavior.

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

FINDINGS OF FACT: The officer stated she searched the complainant, but denied searching her under her clothing. No officers witnessed the search. The complainant's sister stated she witnessed the search from inside the house while she was being detained and handcuffed; however, it is questionable whether the complainant's sister was able to clearly observe the search while she was in police custody and so far from the scene of the search. 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 ALLEGATIONS #1-2: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged the officers detained her for no reason but acknowledged that she was never handcuffed and was given an opportunity to write her own statement regarding the occurrence. The named members stated that the complainant was never detained and was free to leave the scene at any time. The evidence was inconclusive to determine that the acts that provided the basis for the allegation indeed occurred. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officers failed to properly investigate the incident, to call an ambulance and to arrest the complainant's former boyfriend. The named members stated that they interviewed the complainant and her former boyfriend, as well as the witness to their altercation. The officers stated the complainant never asked them to arrest her former boyfriend. They also stated the complainant refused repeated offers of medical attention. The witness, who observed the complainant's altercation with her former boyfriend, told the OCC that the complainant was the initiator and the aggressor in that confrontation and that he told this to the responding officers. The Department records showed that the officers notified the Communications from the scene about their numerous offers to call an ambulance, which the complainant declined. A preponderance of the evidence (statements from complainant, her former boyfriend and the witness as well as the Communications records) proved that the acts alleged in the complaint (neglect of duty) did not occur.

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SUMMARY OF ALLEGATION #6: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that the officer made an unprofessional comment during the investigation. The named member denied the allegation. No other witnesses came forward. 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 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 twice for no other reason but to harass him. One named member stated that the complainant was stopped and detained for violation of a court stay-away order. The second officer could not recall these police contacts. The court documents showed that the complainant's stay-away order was in effect at the time of these incidents and that the detention locations fell under the court's imposed restrictions. The available evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officers twice searched him for no other reasons but to harass the complainant. One named member stated that the complainant was detained and searched based on his violation of a court stay-away order. The second officer could not recall the incidents. The court documents showed that the complainant's stay-away order was in effect at the time of these police contacts and that the locations of the detentions (as well subsequent searches) were covered by the court order restrictions. The available evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer threatened him during their two contacts. The named member denied the allegation. The officer's partner could not recall the incidents. The statements from two witnesses identified by the complainant in regards to this allegation were vague and inconclusive. The available evidence was insufficient 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 #1-3: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant said that the Housing Authority manager and police came into the apartment without a warrant. The officers stated that they were present at the request of the Housing Authority manager who was conducting an investigation of a lease violation and other complaints and were let inside by the complainant. One witness did not speak English and did not understand what was said during the incident. Another witness stated that her grandmother opened the door. The complainant and witness statements are inconsistent as to who opened the door and there were no witnesses as to what was said by officers or Housing authority manager to gain entry. The Housing Authority manager did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-5: The officers used force on the complainant.

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

FINDINGS OF FACT: The complainant said one of the officers put her in some type of control and knuckles were pressed into her ribs and she could not move. The officers denied using force and described handcuffing and escorting the complainant out of the apartment. The complainant did not complain of pain and did not seek medical treatment. One witness did not mention use of force only that her daughter was handcuffed and removed from the apartment. The complainant's son did not respond for an interview. Officers are permitted to use physical control when necessary to accomplish custody per Department General Order 5.01. E. Reasonable Force.

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

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

FINDINGS OF FACT: The complainant stated she was cited for trespassing although a lawyer told her that she could not be evicted solely because her name was not on the lease. The officers stated that per Housing Authority Manager the complainant was not on the lease and was trespassing. The manager signed a citizen's arrest and the officer cited and released the complainant at the scene. The complainant admitted she was not on the lease but was under the impression that she could not be evicted. Officers have the authority to accept citizens' arrests pursuant to Department General Order 5.04 and to cite and release per Department General Order 5.06.

SUMMARY OF ALLEGATION #7: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officer raised his voice at her during the incident. The officers stated the complainant was not cooperative and was not listening to the Housing Authority manager. The officer had to raise his voice to get her to listen to the manager. One witness said that although she does not understand English she said the officers were talking with authority. The complainant's son did not respond for an interview. The complainant admitted that she and the property manager raised their voices to get their point across. Pursuant to Department General Order 5.01 officers may use verbal persuasion in order to deescalate an incident and prevent the use of force.

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

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

FINDINGS OF FACT:

Two juvenile complainants and one adult witness said an officer on a bicycle detained three juveniles. The juvenile complainants and witness on scene gave conflicting statements. There was no supporting documentation to substantiate that a detention occurred. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officers handcuffed the minor complainants without justification.

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

FINDINGS OF FACT: There was no evidence found to support the allegation that three juveniles were handcuffed by two unknown plainclothes officers presumed to be San Francisco police officers. The alleged detaining officer, one complainant, and one witness on scene denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officers searched the minor complainants without cause.

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

FINDINGS OF FACT: The co-complainant and a witness on scene stated two unknown plainclothes officers in an unmarked vehicle searched the juveniles initially detained by a bicycle officer, but there were conflicting statements among the complainants about the searches. There is no other evidence to substantiate the detentions or the presence of any plainclothes officer. The officer accused of detaining the juveniles denied the allegation. There is insufficient evidence to either prove or disprove this allegation.

SUMMARY OF ALLEGATION #4-5: The officers failed to follow proper procedures as detailed in DGO 5.15.

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

FINDINGS OF FACT: There is no supporting documentation to substantiate that the detentions by the named officer or that searches by two unknown plainclothes officers occurred. The named officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6-7: The officers failed to comply with juvenile procedures.

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

FINDINGS OF FACT: Two complainants and a witness on scene gave conflicting statements about how three juveniles were detained. There is no supporting documentation to substantiate the alleged detentions by the named officer or searches by two unknown plainclothes officers. Therefore, there is insufficient evidence to either prove or disprove that S.F.P.D. officers were bound by S.F.P.D. juvenile procedures to report any detention or release of information to the Department of Homeland Security.

SUMMARY OF ALLEGATION #8-9: The officers failed to take required action.

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

FINDINGS OF FACT: The complainants and a witness said three juveniles were detained by a uniformed officer for a prolonged period of time, searched by two unidentified plainclothes officers, and eventually taken by two immigration agents into federal custody. There were conflicting statements among complainants and the witness. The named officer denied the allegation and there was no supporting documentation to substantiate the alleged detentions or searches occurred. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to maintain radio contact and notification with headquarters.

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

FINDINGS OF FACT: There was insufficient evidence to establish the alleged detentions or searches or unauthorized release of information occurred. The officer denied the allegation. Therefore, there is insufficient evidence to either prove or disprove the officer had a duty to communicate with headquarters.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant admitted to being on the sidewalk drinking beer with some guys, two of whom were passed out but said he no longer had an open beer when the first officer arrived on the scene in the police wagon. The complainant admitted to interfering with the officer but said he did so because the officer was using unnecessary force against one of the passed out men.

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

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

FINDINGS OF FACT: The complainant stated that he was attacked and was in an altercation with the officers. The complainant admitted to refusing officers orders to back off or sit down which was when he was grabbed and forced to the ground. The complainant said he continued to resist officers on the ground and as a result he hit his head on the pavement and sustained a laceration. All the officers denied seeing any injury to the complainant's face prior to being placed into the wagon. The complainant later sustained an abrasion to his mid-forehead consistent from admitted self-inflicted injury inside the wagon. The paramedics were called; complainant was taken to San Francisco General Hospital Emergency and 5150 due to the self-injurious behavior. There is insufficient evidence to either prove or disprove whether the force used was justified and or excessive.

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SUMMARY OF ALLEGATIONS #6-7: The officers harassed the complainant without justification.

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

FINDINGS OF FACT: One officer said he has had no prior contact with the complainant. The second officer said he has had repeated contacts with the complainant because the complainant frequents the vicinity in which he has been patrolling for several years.

SUMMARY OF ALLEGATION

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was offended by comments made by the officer. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The officer admitted to smoking a cigarette during a traffic stop investigation while engaging in a dialog with the suspect. Using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The evidence supported the issuance of the citation. The conduct of the officer was justified, lawful and proper.

SUMMARY OF ALLEGATION #4: The officer initiated a search of a vehicle without cause.

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

FINDINGS OF FACT: The officers either denied or did not recall searching the vehicle. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATIONS #5-#6: The officers searched a vehicle without cause.

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

FINDINGS OF FACT: The officers either denied or did not recall searching the vehicle. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS :

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION # 1: The officer conducted a traffic stop without justification.

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

FINDINGS OF FACT: The complainant said the officer pulled him over for failure to stop at a stop sign, which he denied. The complainant said the officer followed him for 17 blocks and as he was about to go into the intersection to catch the Freeway the officer pulled him over. The complainant felt the officer was looking for a reason to stop him due to his race. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 2: The officer searched the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant said the officer asked him to open the trunk and searched it but the officer found nothing. The officer denied the allegation. The witness did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said he asked the officer for his name because he was going to file a complaint. The complainant said the officer gave him the information but told him that he could not file a complaint against him because his wife is a Latina. The officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer cited him for failure to stop and no proof of insurance. The officer denied the allegation. The witness did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The CAD did not have an E585 entry. The officer stated that he did make an E585 entry for this traffic stop at the end of his shift. SFPD Legal provided the Traffic Stop Data Collection Worksheet that was prepared by the officer. An audit of the SFPD data collection database documented that the officer did not enter the data for that day into the system per Department Bulletin 07-049. By a preponderance of evidence the officer violated Department policy by failing to enter the data in accordance with Department Bulletin 07-049.

SUMMARY OF OCC ADDED ALLEGATION # 2: The officer failed to comply with Department General Order 5.20.

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

FINDINGS OF FACT: The complainant said he speaks a little English and is a U.S. citizen. The officer failed to identify the complainant as an LEP individual. The officer denied the allegation. The officer said he was able to communicate with the complainant and said he spoke perfect English, he understood everything, he even asked him for a break, and he cursed at him. The officer said the complainant insisted that he was racially profiling him because he is Latino and the officer said the complainant was able to communicate this in English. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 07/17/08 **DATE OF COMPLETION:** 03/25/09 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officers responded to a report of a burglary-in-progress in the two-unit house in which the complainant lived. One officer stated he conducted a protective sweep to determine if there were any trespassers in the complainant's residence. The second officer stated he was conducting a well being check. The complainant told the officers that there were no trespassers. The officers had no legal authority to enter and conduct a warrantless search of the complainant's private residence. A protective sweep is allowed to protect officer safety but only in circumstances that present an articulable reason to suspect that people are at risk or that persons who might harm the officers are present. The allegation was sustained.

SUMMARY OF ALLEGATIONS #3-5: The officers detained the complainant without justification.

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

FINDINGS OF FACT: All of the officers stated the complainant was detained when they suspected that the complainant was growing marijuana in his residence. Two of the officers stated they smelled marijuana after entering the complainant's residence. The investigation showed that the officers did not have probable cause to enter the complainant's residence. One officer stated he did not enter the complainant's residence and smelled marijuana while he was outside of the complainant's residence. A witness officer also stated he could smell marijuana while he was outside the complainant's residence. There was inconsistent evidence as to whether the detention was proper or improper.

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to return six pages of his residential lease. The complainant did not identify the officer and failed to respond to attempts to interview him. An officer at the scene stated that the complainant left his lease on top of a refrigerator. Before leaving the scene, this officer asked the complainant if he had all his paperwork and the complainant said he did. Four other officers at the scene stated they were unaware that the complainant was missing a portion of his lease. There was no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer allowed a friend of the complainant's landlord to enter and search his residence without cause.

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

FINDINGS OF FACT: The supervising officer at the scene stated that the complainant's landlady told him that the woman with her was the co-owner of the property. This officer stated that the alleged co-owner entered a room in the garage that was separate from the complainant's residence. Four other officers at the scene stated that the alleged co-owner did not enter the complainant's property. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer cited the complainant's friend without cause.

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

FINDINGS OF FACT: The complainant stated a friend who had been staying with him for several months was cited for trespassing. The complainant's landlady signed a citizen's arrest form and requested that the complainant's friend be cited for trespassing because he was not on the lease and was staying in her house without her consent. The officer acted properly.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION: The officer issued an invalid citation.

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

FINDINGS OF FACT: The officer verified the correctness of the citation. There were no identified witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer denied the allegation. The named officer said he has absolutely no recall or memory of the alleged incident. The officer stated he takes extreme care and pride to assure that all possessions of arrestees are properly processed, booked, and transported to the county jail. The officer mentioned that his particular station is a high arrest rate station and he books an average of thirteen bookings per shift. All of the witness officers denied hearing the station keeper tell the complainant he would place his tennis shoes with his property. A witness officer stated he searched the complainant's shoes, seized an illegal substance, and placed the complainant's shoes next to him.

The complainant stated while in the holding cell he placed his tennis shoes on the bench. The complainant admitted he inadvertently urinated in the holding cell and splashed urine on the door. The complainant said his "urine accident" angered his cellmate. The complainant requested the station keeper place him in another holding cell, due to his cellmate's attitude and anger towards him. The complainant alleged the station keeper promised to retrieve his tennis shoes from the vacated holding cell.

The property/clothing record from San Francisco Sheriff's Department indicates the complainant had no footwear when booked into the county jail. With this particular police station's high booking rate in mind, it would behoove the station to either provide refresher training on maintaining and logging the property of arrestees or to find more efficient measures in which to collect and process numerous arrestees during a station keeper's shift. If the complainant's tennis shoes became contaminated by the complainant's urine, then the "Infectious Disease Control Manual" should be revisited, as to the method of disposal and proper notification to arrestees.

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

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

FINDINGS OF FACT: The complainant failed to provide additionally requested information necessary for a definitive resolution of his complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged that the officer searched him without justification. Based on the complainant's misdemeanor violation, the officer had probable cause to search the complainant. The officer had authority to search the complainant incident to arrest. However, the officer used his discretion and cited and released the complainant for an infraction. The evidence proved that the action complained of was the result of inadequate supervision when viewed in light of applicable law training and Department policy and procedure.

SUMMARY OF ALLEGATION #2: The officer searched the complainant's personal belongings without cause.

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

FINDINGS OF FACT: The complainant alleged that the officer searched his personal belongings without his consent. Based on the complainant's misdemeanor violation, the officer had probable cause to search the complainant's belongings. The officer has authority to search the complainant incident to arrest. However, the officer used his discretion and cited and released the complainant for an infraction. The evidence proved that the action complained of was the result of inadequate supervision when viewed in light of applicable law, training, and Department policy and procedure.

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

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

FINDINGS OF FACT: The complainant alleged that the officer searched his vehicle without his consent. Based on the complainant's misdemeanor violation, the officer had probable cause to search the complainant's vehicle. The officer had authority to search the complainant incident to arrest. However, the officer used his discretion and cited and released the complainant for an infraction. The evidence proved that the action complained of was the result of inadequate supervision when viewed in light of applicable law, training, and Department policy and procedure.

SUMMARY OF ALLEGATION #4: 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 denied acting inappropriately. There were no available witnesses.

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SUMMARY OF ALLEGATION #5: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant alleged that the officer made racially derogatory comments. The officer denied the allegation. There were no witnesses on scene at the time of the detention.

SUMMARY OF ALLEGATION #6: The officer issued several citations without cause.

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

FINDING OF FACT: The complainant alleged that the officer issued him several citations without justification. The officer denied the allegation and provided evidence to supported the issuing of the various citations. The evidence proved that the basis for the allegations occurred; however, such acts were justified.

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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 said he cooperated with the police. The named officers and witness officer said that the complainant threw a knife at them in the hallway and then refused their orders resulting in their use of OC pepper spray. There were no other identified witnesses to the officer's use of the OC pepper spray. 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 arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated in his written complaint that he was falsely charged with criminal actions. The complainant did not respond for an interview. There were no witnesses. 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 ALLEGATIONS #1-3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officers refused to let him use the bathroom. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-7: The officers exhibited inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officers were watching the Olympics while he was in the holding cell. The complainant stated that an officer poured hot water on his genitals after he had urinated. He stated the officers made remarks, comments, and used profanity while he was at the station. The officers denied the allegation. There were no witnesses at the station. There is insufficient evidence to prove or disprove the allegation.

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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 officer denied the allegation. The officer stated he observed the complainant jaywalk outside the crosswalk at an intersection. The officer asked the complainant to stop and explained the reason for the stop (21955 VC). The officer stated the complainant was immediately hostile towards him. The witness stated he is an acquaintance of the complainant. The witness said the complainant might have veered across the crosswalk to get to his location. The witness corroborated the officer's account of the detention and his advisement to the complainant. The complainant stated he was detained for jaywalking and evaded the detention by walking away from 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 #2: The officer used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant stated during the detention he turned to his right away from the named officer to get better reception on his cell phone. At this time, the officer pushed his left shoulder and neck area with his hands in a forceful manner on two occasions. The complainant said he decided not to allow the officer to hit him anymore, so he walked away from the officer. The officer denied the allegation. The officer stated the complainant was noncompliant from the beginning of the contact. The complainant alleged he was being detained because of his race. The officer said the complainant waved his hand in a dismissive manner, back pedaled away from the officer, turned and walked away. The officer said the complainant refused numerous commands to stop and not walk away, but the complainant continued to evade the officer. The named officer stated he attempted to detain the complainant by grabbing his left arm. However, the complainant swung his arm away in a violent manner while angrily telling the officer to get his hands off of him. At one point, the officer overtook the complainant and again attempted to grab his left arm and shoulder area. The complainant raised both his arms up with this fist clenched in a fighting stance and stepped towards the officer in a manner consistent with attempting to assault him. The officer said the complainant aggressively said, "I'm going to fuck you." The witness corroborated the complainant walked away from the officer during the detention.

According to SFPD DGO 5.01, the named officer was justified in using force to affect the lawful arrest/detention of a person resisting or attempting to evade that arrest/detention. 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 used unnecessary force on the complainant during the arrest.

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

FINDINGS OF FACT: The named officer said at the end of the foot pursuit of the complainant, a supervising officer responded to the location and assisted in restraining the complainant. The officer and the supervising officer pushed the complainant up against the front window of a restaurant in an effort to detain him. Due to the complainant's body size and resistance, it was necessary to utilize a rear wristlock to gain control and handcuff the complainant. The officer observed three silver bracelets on the complainant's left wrist. However, due to the complainant's combative and resistive behavior, the officer opted to leave the complainant's bracelets in place to avoid being assaulted by the complainant. One supervising officer and an officer responded to the location to assist the named officer with the arrest of the complainant. The witness officer said that no force was used on the complainant. He documented the complainant's complaint of pain to his wrist, due to handcuffing, in the Use of Force Log. The injury was sustained by putting handcuffs on the complainant while wearing three large bracelets on his left wrist. The witness officer corroborated he helped to detain the complainant by holding his right arm while being handcuffed.

A witness working in the restaurant said he saw the complainant with his hands up facing the restaurant window. The witness saw two male officers behind the black male appear to touch the nape of the complainant's neck before grabbing his arms for handcuffing. The witness observed the complainant move side to side as if resisting and avoiding arrest. The witness denied seeing any officer jump on the complainant with a headlock to arrest him.

According to SFPD DGO 5.01, the named officer was justified in using force to affect the lawful arrest/detention of a person resisting or attempting to evade that arrest/detention. 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 #4: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The officer said the complainant was arrested for assaulting a peace officer, resisting and delaying arrest, and for jaywalking. The officer stated the complainant was noncompliant from the beginning of their contact. The named officer said he gave the complainant numerous commands to stop but he continued to walk away. The complainant was hostile and uncooperative. The officer said the complainant waved his hand toward him in a dismissive manner.

On two occasions, the named officer attempted to grab the complainant to detain him, to no avail. On the second attempt, the officer said the complainant took an aggressive fighting stance with his fist in the air and stepped towards him in an attempt to assault him.

One supervising officer and an officer responded to the location and corroborated they assisted the named officer with the arrest of the complainant. The witness corroborated the officer's account of the detention and the evasion by the complainant. The complainant stated he was detained for jaywalking and evaded the detention by walking away from 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 #5: The officer used unnecessary force at the police station.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer stated the complainant was spitting in the back of the patrol car during the transportation. The officer said while conducting a booking search and attempting to remove the handcuffs from the complainant, the complainant overpowered him, spun in his direction and attempted to spit on him. The named officer said he utilized the leg sweep take down and struck the complainant two times with his fist to zone one and two. Once the complainant was controlled, the officer removed the handcuff from the complainant's left wrist. The officer said the complainant did not complain of pain or any injuries to him. However, the named officer observed an abrasion on the complainant's left wrist. The officer notified two on duty officers and the use of force was documented in the Use of Force Log.

The witness officer observed the named officer attempt to remove the complainant's handcuffs, when the complainant maneuvered away from the booking counter, faced the officer and lunged towards him. The witness officer said the named officer struck the complainant in the lower chest area. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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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 officer denied the allegation. A review of the officer's chronology documents sufficient evidence to prove that his actions were consistent with a proper investigation.

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

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

FINDINGS OF FACT: The complainant could not provide an accurate date and time for her officer contacts. The officer denied the allegation. There were no witnesses as the conversation took place over the telephone. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officers said the complainant was detained because he's on active probation with a search condition. The officers denied telling the complainant they had received complaints or that they were instructed by anyone to make contact with the complainant. The complainant believes the officers are harassing him. Based on the totality of the circumstances there is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS #3-4: The officers engaged in selective enforcement based on the complainant's race.

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

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

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

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

FINDINGS OF FACT: The named members denied that the complainant was handcuffed. Witness officers on scene denied that the complainant was handcuffed. Several neighbors denied witnessing the incident. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The named member denied making the comments. Witness officer denied hearing the alleged comments. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer stood by the accuracy of her report. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS #2-3: The officers failed to follow department policy.

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

FINDINGS OF FACT: The named members and other officers on-scene all denied or did not know whether the alleged acts occurred. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #1-2: The officer(s) displayed a firearm without justification.

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

FINDINGS OF FACT: A 911 emergency telephone call was placed requesting police response to an incident involving a man battering a woman. Upon arrival at the scene, the officer said he saw a very large and muscular man standing over a woman who was lying on the ground. Because of the complainant's size, the officer believed this man could deliver great bodily injury to the woman at any time. One officer feared for the woman's safety, drew his firearm, pointed it at the complainant, ordered the complainant to back off and holstered his weapon when the threat diminished. The other officer denied drawing his firearm. The woman was later identified as the complainant's wife, who was heavily intoxicated. The complainant said, and the officer determined, the complainant was only assisting his wife who could not walk or stand. The complainant alleged the officer had no justification to draw and aim his firearm at the complainant. The evidence proved that the act, which provided the basis for the allegations, occurred; however, such act was justified, lawful and proper.

SUMMARY OF ALLEGATION #3-6: The officer handcuffed the detainee without justification.

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

FINDINGS OF FACT: A 911 emergency telephone call was placed requesting police response to an incident involving a man battering a woman. Upon arrival at the scene, officers saw a very large, muscular man standing over a much smaller woman, who was lying on the ground. The female was heavily intoxicated and using profanity, some directed towards the police. She had difficulty walking and standing. Additionally, she was flailing about with her arms. The officers separated the male and female. Witnesses said the officers handcuffed both. One of the officers admitted handcuffing the complainant while the other two officers denied handcuffing anyone. The complainant and the female, who was later determined to be the complainant's wife, said there was no reason to handcuff them. The evidence proved that the act, which provided the basis for the allegations, occurred; however, such act was justified, lawful and proper.

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SUMMARY OF ALLEGATION #7-10: The officer detained the complainant and complainant's wife without justification.

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

FINDINGS OF FACT: A 911 emergency telephone call was placed requesting police response to an incident involving a man battering a woman. Upon arrival at the scene, officers saw a very large, muscular man standing over a much smaller woman, who was lying on the ground. The female was heavily intoxicated and using profanity, some directed towards the police. She had difficulty walking and standing. Additionally, she was flailing about with her arms. The officers separated the male and female. The complainant and the female, who was later determined to be the complainant's wife, said there was no reason for officers to detain them. 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 #11-13: The officer used unnecessary force during the detention of the complainant.

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

FINDINGS OF FACT: During the process of being handcuffed, the complainant said the officer slung him about and slammed him against the wall. All of the officers who responded to this incident denied slinging the complainant around, slamming the complainant against the wall, or seeing any other officer do this. An independent witness developed during this investigation did not see any officer sling the complainant about or slam him against the wall. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #14-15: The officer failed to issue a Certificates of Release.

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

FINDINGS OF FACT: A 911 emergency telephone call was placed requesting police response to an incident involving a man (complainant) battering a woman (complainant's wife). The wife was heavily intoxicated, belligerent and using profanity, some of which was directed towards the police. Officers separated the complainant and his wife. The complainant and his wife said they were handcuffed. An independent witness also said officers handcuffed both the man and the woman. The complainant and his wife said they were released at the scene without being given any paperwork, after officers determined the complainant was only assisting his wife who could not walk or stand. One officer admitted placing handcuffs on the complainant while another officer admitted assisting in this detention. Other officers denied handcuffing or seeing handcuffs being placed on the complainant's wife. The officers, who handcuffed and/or assisted in handcuffing the complainant, stated they did not issue a Certificates of Release. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #16-17: The officer failed to issue a Certificates of Release.

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

FINDINGS OF FACT: A 911 emergency telephone call was placed requesting police response to an incident involving a man (complainant) battering a woman (complainant's wife). The wife was heavily intoxicated, belligerent and using profanity, some of which was directed towards the police. Officers separated the complainant and his wife. The complainant and his wife said they were handcuffed. An independent witness also said officers handcuffed both the man and the woman. The complainant and his wife said they were released at the scene without being given any paperwork, after officers determined the complainant was only assisting his wife who could not walk or stand. One officer admitted placing handcuffs on the complainant while another officer admitted assisting in this detention. Other officers denied handcuffing or seeing handcuffs being placed on the complainant's wife. None of the officers who responded to this incident stated they issued a Certificates of Release. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #18-19: The officer failed to provide for the proper care and custody of the detainee.

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

FINDINGS OF FACT: During the process of being handcuffed, the complainant said the officers ignored complainant's request to use two sets of handcuffs, due to an apparent arm injury the complainant previously sustained. All of the officers who responded to this incident denied hearing the complainant make this request. An independent witness developed during this investigation did not hear the complainant make this request. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #20: The officer use profanity while detaining the complainant.

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

FINDINGS OF FACT: During the process of being handcuffed, the complainant said the officer used profanity directed at the complainant. All of the officers who responded to this incident denied using profanity or hearing any other officer use profanity. Furthermore, an independent witness developed during this investigation did not hear any officer use profanity. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/15/08 **DATE OF COMPLETION:** 03/14/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers used excessive force during the arrest.

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

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

SUMMARY OF ALLEGATIONS #3-4: The officers applied handcuffs too tight.

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

FINDINGS OF FACT: The complainant stated two officers applied and double-locked the handcuffs on him after the detaining officer stood him up. Nevertheless, the complainant initially dropped to the ground, alleged he sustained a swollen wrist due to tight handcuffs. One officer said the complainant broke the fall of the take down by putting his left hand on the ground. Both officers described the complainant offered minimal resistance while on the ground to bring his arms behind his back. The officers also stated once they overcame his resistance, either one or both of them alone handcuffed and double-locked the handcuffs without difficulty. There were photographs but no medical evidence regarding the swollen left wrist. There was no witness to the detention. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/15/08 **DATE OF COMPLETION:** 03/14/09 **PAGE#** 2 of 2

SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers failed to report and document the use of force.

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

FINDINGS OF FACT: The complainant reported he sustained visible injuries, which he did not complain of. None of the officers involved confirmed the presence of a visible injury. There was a medical evaluation of some of the alleged injuries two days after the fact and undated photographs regarding the swollen left wrists, which raises questions as to the presence of a visible injury on the date of the detention. However, there were no independent witnesses to either prove or disprove the injuries were visible. 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: 09/24/08 **DATE OF COMPLETION:** 03/31/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made an inappropriate comment during a traffic stop.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer stated he frequently asks subjects if they have ever been arrested to determine if a probation or parole search condition exists. The witness corroborated the officer asked the complainant if she had ever been arrested and if her address was current. The evidence proved that the act alleged did occur, however said act was proper.

SUMMARY OF ALLEGATION #2: The officer engaged in selective enforcement during the traffic stop.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer stopped the complainant's vehicle due to a nonfunctioning headlamp during darkness. The officer denied asking the complainant if she had ever been arrested based on her place of residence, nor the complainant's race. The officer stated he frequently ask subjects of an existing arrest record to determine if they are on probation or parole.

The witness stated she was "taken aback" by the officer asking the complainant if she had ever been arrested and thought the question was odd. Both the witness and complainant corroborated the officer's account of making the traffic stop due to an inoperable headlamp during darkness. The evidence showed that the act did not occur.

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DATE OF COMPLAINT: 10/01/08 **DATE OF COMPLETION:** 03/07/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-4: The officers harassed the complainants without justification.

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

FINDINGS OF FACT: The complainant stated the officers harassed her by repeatedly interviewing her at the scene. The complainant said multiple officers tried to have her admit fault to the traffic accident. The officers stated they interviewed her for the investigating officer's report and the Supervisor's traffic investigation report. The officers checked the complainant's well being as well as the vehicle's license, registration, and proof of insurance information. Some witnesses felt the officers were aggressively interviewing the complainant while other witnesses observed the officers at the scene were professional and not harassing or intimidating. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #5: The officer wrote an inaccurate citation to the complainant.

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

FINDINGS OF FACT: The complainant stated she felt the officer should not have issued a citation to her because it was inaccurate. The complainant said she stopped for the stop sign, slowly, and carefully proceeded into the intersection. The complainant admitted she had an obstructed view of the cross traffic and was preoccupied talking on her cellular phone via speakerphone. The complainant said she did not see the other vehicle until impact. The officer said the police vehicle did not have a stop sign or traffic controls. The officer stated the complainant failed to stop at a stop sign and yield to cross traffic in violation of 22450(a) CVC. A witness recalled seeing the complainant's vehicle speed into the intersection. Another witness said the police vehicle was more than half way into the intersection before it was hit by the complainant's vehicle. 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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DATE OF COMPLAINT: 10/01/08 **DATE OF COMPLETION:** 03/07/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #6: The officer wrote an inaccurate and incomplete incident report.

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

FINDINGS OF FACT: The complainant said the police report inaccurately placed her at fault for the traffic accident. The complainant stated she made a stop at the stop sign, slowly, and carefully entered the intersection because a parked vehicle and a solid metal fence blocked her view. The complainant felt that the officer's vehicle sped into the intersection without yielding to her. The complainant noted the incident report had an incorrect vehicle license number and a different vehicle color of her vehicle. The complainant admitted to talking on her cellular phone before the collision. There is no dispute that the complainant had a stop sign and the officer's vehicle did not. The officer interviewed the complainant and gathered statements from other officers who assisted in the traffic investigation. The police report had insignificant edits to the complainant's vehicle license plate number being off by one letter and a different vehicle color. A witness said they saw the complainant's car speed into the intersection. Another witness said the complainant's vehicle failed to yield to the police vehicle that was in control of the intersection. 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**

DATE OF COMPLAINT: 10/02/08 **DATE OF COMPLETION:** 03/31/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant alleged that an officer used unnecessary force.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. The officer could not be identified.

SUMMARY OF ALLEGATION #2: The complainant alleged that an officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. The officer could not be identified.

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DATE OF COMPLAINT: 10/06/08 **DATE OF COMPLETION:** 03/14/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The evidence proved that there were no members involved in the acts alleged.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/07/08 **DATE OF COMPLETION:** 03/05/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to conduct a complete and thorough investigation.

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

FINDINGS OF FACT: The officer denied the allegation. The investigation established that the officer conducted a complete and thorough investigation.

SUMMARY OF ALLEGATION #2: The officer failed to conduct a complete and thorough investigation.

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

FINDINGS OF FACT: The member has separated from the department and no longer subject to Department discipline.

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DATE OF COMPLAINT: 10/07/08 **DATE OF COMPLETION:** 03/05/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer conducted a racially biased investigation.

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

FINDINGS OF FACT: The member has separated from the department and no longer subject to Department discipline.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation. Both the complainant and a witness (his wife) described the officer's behavior as rude. 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:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/14/08 **DATE OF COMPLETION:** 03/05/09 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer cited/arrested her for no reason. The complainant said that she and a friend were standing on the corner of Post and Larkin working. The officer stated that complainant was cited for loitering for the purpose of prostitution and had previously admonished her but it was a continuing offense. The officer has the authority to arrest with probable cause. Given the complainant's admission of working and the officer's description of the incident supports that the officer had probable cause to arrest/cite and release the complainant for 653.22 (a) of the penal code and per DGO 5.06.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/08 **DATE OF COMPLETION:** 03/05/09 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer cited her for no reason. The complainant said that she and a friend were walking around the area and not going up to cars or handling money. However, the friend stated they were working. The officer stated that the complainant was cited for loitering for the purpose of prostitution. The officer has the authority to arrest with probable cause. Given the complainant's friend's statement that they were working and the officer's description of the incident support that the officer had probable cause to cite and release the complainant for 653.22 (a) of the penal code and per DGO 5.06.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/20/08 **DATE OF COMPLETION:** 03/31/09 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer abruptly and dangerously jumped in front of the complainant's limousine to make a traffic stop and then made several comments that the complainant felt were inappropriate. The named member denied acting in the said manner and making the alleged comments. The statements from two other officers and a police service aide who witnessed the incident at various stages were inconclusive and contradictory. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/22/08 **DATE OF COMPLETION:** 03/07/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The named officer stated the complainant was stopped and had been stopped in a bicycle lane, blocking northbound traffic. The officer, said he chose to issue a citation based on the impeding flow of traffic, or create a traffic hazard.

The complainant admitted he was parked in the bike lane waiting for potential customers around the bar's closing time. The evidence proved that the alleged act did occur, however; such act was lawful.

SUMMARY OF ALLEGATION #2: The officer engaged in selective enforcement while issuing a citation.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer said he decided to issue the complainant a citation before he approached his vehicle. He chose to issue a citation to the complainant based on the complainant's vehicle impeding flow of traffic.

The complainant admitted he was parked in the bike lane waiting for potential customers around the bar's closing time.

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DATE OF COMPLAINT: 10/28/08 **DATE OF COMPLETION:** 03/31/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officers used force during the detention.

CATEGORY OF CONDUCT: UF

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant alleged the officer grabbed, pulled and kicked him. The officers asserted that they attempted to detain the complainant, however he did not comply with commands and attempted to evade the officers. A witness saw the officers grab and pull the complainant while the complainant attempted to get away from them. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, there is insufficient evidence to either prove or disprove the allegation.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

DEPT. ACTION:

FINDINGS OF FACT: The complainant alleged the officers pointed their firearms at him without justification. The officers asserted that they pulled their firearms because the complainant evaded them and ran and hid in his hallway closet. The officers were unable to conduct a weapons search of the complainant's person or the closet. The officers pulled their weapons for their safety. The witness heard the officers and the complainant argue outside the residence. The witness saw the officers pull and grab the complainant while the complainant broke free and ran inside the closet. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

DEPT. ACTION:

FINDINGS OF FACT: The complainant alleged that the officers towed his vehicle without justification. However, the complainant acknowledged that his driver's license was suspended. The officers stated the complainant's vehicle was towed because his driver's license was suspended. The officers' conduct was proper.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/08 **DATE OF COMPLETION:** 03/31/09 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The police searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant did not contact the OCC in response to our request for contact, and failed to provide evidence to continue the investigation.

SUMMARY OF ALLEGATION #2-3: The police failed to properly process property.

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

FINDINGS OF FACT: The complainant did not contact the OCC in response to our request for contact, and failed to provide evidence to continue the investigation.

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DATE OF COMPLAINT: 10/30/08 **DATE OF COMPLETION:** 03/31/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated during her traffic stop, she exited her vehicle to check her mail in her trunk. The complainant stated the officer yelled at her to return to her vehicle and threatened to arrest her. The officer stated he did raise his voice to get the complainant's attention and told the complainant to return to her vehicle for her safety and the safety of the officers. The officer stated he did not threaten the complainant but did place her under arrest after she resisted and refused to comply with his requests. The witness officer stated the named officer politely asked the complainant to close her trunk and return to her vehicle several times before he got out of his vehicle and approached the complainant. There is an independent witness to this incident, but he failed to respond to the OCC's attempts to record an interview with him. The complainant admitted she exited the vehicle even after hearing the officer advise her to stay in the vehicle. Officers are trained to keep persons contained inside a vehicle during traffic stops for officer safety. 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: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated during her traffic stop, the officer grabbed both of her hands behind her back, and slammed her against her vehicle passenger door. The officer stated he used an academy taught two-handed bent wrist to the rear hold to control the complainant because she was resisting his verbal attempts for her to return to her vehicle. The witness officer stated the named officer used an academy taught hold on the complainant to get her to comply with the request to return to her vehicle after several verbal attempts were made. There is an independent witness to this incident, but he failed to respond to the OCC's attempts to record an interview with him. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #3: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated she was pulled over by two police officers. The named officer and the witness officer stated they observed the complainant fail to stop at a stop sign, therefore they affected a traffic stop to cite the complainant for the violation. There is an independent witness to this incident, but he failed to respond to the OCC's attempts to record an interview with him. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/30/08 **DATE OF COMPLETION:** 03/07/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer improperly searched the complainant.

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

FINDINGS OF FACT: The complainant alleged she was improperly searched by the officer in June 2008. The officer acknowledges having several encounters with the complainant but the time period is too broad and he denies he searched complainant. No witnesses came forward. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/03/08 **DATE OF COMPLETION:** 03/07/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS#1-3: The officers detained the complainant at gunpoint.

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

FINDINGS OF FACT: The complainant stated the officers detained him at gunpoint without justification. The witness stated he overheard a persistent car alarm sounding for a lengthy period of time and someone attempting to start the car without success. He called 911. Department records indicate dispatch sent officers to an "A" priority call. The officers stated they responded as trained for a felony auto theft, and removed the man from the car at gunpoint. 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 unnecessary force during the detention of the complainant.

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

FINDINGS OF FACT: The complainant alleged the officer leaned or placed something on his neck while the officer handcuffed him. The witness did not observe this portion of the contact. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer wrongfully threatened to shoot the complainant's dog.

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

FINDINGS OF FACT: The complainant alleged the officer wrongfully threatened to shoot his dog. The complainant admitted the dog ran unleashed outside his vehicle and that he had poor voice command over it. He also admitted he needed to get his dog into his car before the dog bit someone. The witness saw a large dog running in and out of traffic on the street. The officer denied the allegation, stating he ordered the complainant to control his dog. The complainant attempted to control his dog, but was unable to. The officer stated the dog ran toward him, baring its teeth. The officer stated he warned the complainant he would shoot the dog if it attacked him, holding his weapon in the low ready position. It was appropriate for the officer to warn the complainant first. 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 #6-9: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant alleged the officers would not have pulled him over, but for his ethnicity. The witness contacted 911 regarding a possible auto theft in progress, but did not actually see the complainant while he was calling 911. The witness said the alarm sounded for a long time and he heard someone trying to start the car as the alarm sounded, but it would not start. The witness told the OCC he could not see inside the car because the car's windshield was screened or fogged up. Department records support this. Officers responded, based on the location, the witness' description of the vehicle, someone attempting to start the car, and the alarm sounding. The officers had no advance description of the complainant. The evidence proved that the acts alleged in the complaint did not occur.

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DATE OF COMPLAINT: 11/06/08 **DATE OF COMPLETION:** 03/14/09 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated the officer wrote an incomplete and or inaccurate report. The complainant failed to respond to contact attempts and to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/10/08 **DATE OF COMPLETION:** 03/31/09 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer acted inappropriately and made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The named and one witness officer denied the named officer was inappropriate in her actions or speech. Another witness said she was present during the incident and did not see the named officer act inappropriately or say anything rude. No other witnesses came forward. There was insufficient evidence to either prove, or disprove the allegation.

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

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

FINDINGS OF FACT: The named and one witness officer denied the allegation. The named officer acknowledged making a statement similar to that complained of, but the statement did not in and of itself rise to the level of misconduct. One witness officer and another witness denied hearing the named officer say anything inappropriate. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/19/08 **DATE OF COMPLETION:** 03/07/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer cited the complainant for using a cell phone while driving.

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

FINDINGS OF FACT: The complainant stated that he did not use his cell phone while driving. The named member stated that he cited the complainant for this violation of the California Vehicle Code because he observed the complainant using his cell phone while driving. There were no witnesses to this police contact. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer exhibited an inappropriate manner and behavior.

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

FINDINGS OF FACT: The complainant stated that the officer acted in an inappropriate manner during the traffic stop. The named member denied acting the conduct alleged. There were no witnesses to this police contact. The available evidence was insufficient to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/08 **DATE OF COMPLETION:** 03/07/09 **PAGE** #1 of 2

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

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

FINDINGS OF FACT: The complainant was cited for the following violations of the California Vehicle Code: Sections 22450 (a), failure to stop for a stop sign, and Section 24603 (a) a non-working brake light on his vehicle. The complainant contends he stopped for the stop sign described on the citation. The complainant also said the same officer had previously stopped him for the same infraction of having a non-working brake light on his vehicle, but had given the complainant a verbal warning to get the brake light fixed. The complainant said that since his automobile is considered old, many auto supply stores did not have the specific brake light fixture in stock; so, the complainant had to order this fixture and wait for it to arrive. The fixture had not arrived by the time the complainant was stopped a second time by the same officer. The officer said the complainant did not stop for the stop sign, and noticed he had stopped the complainant for a previous infraction of having a non-working brake light approximately four months earlier. The officer considered this amount of time to be more than adequate for replacing the brake lamp fixture. Since no independent witnesses were developed, the complainant's allegations could not be supported. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer displayed harassing and inappropriate behavior.

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

FINDINGS OF FACT: The complainant said the officer was rude and harassing when he cited the complainant for failure to stop for a stop sign, and having a non-working brake light on the vehicle the complainant was driving. The complainant said he was introduced to this officer through a mutual acquaintance. Since their first meeting of this officer, the complainant encountered the officer several times in traffic-related matters. The complainant alleged the officer had informed the mutual acquaintance about these various traffic-related encounters, and the acquaintance used these encounters to belittle the complainant. The officer acknowledged having a co-incidental telephone conversation with the acquaintance, only for the acquaintance to emphasize to the complainant the importance of having the non-working brake light repaired. The complainant could be cited by another police officer if the complainant did not get the light fixed. The officer denied being rude to the complainant in any of the encounters. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/08 **DATE OF COMPLETION:** 03/07/09 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant was cited for the following violations of the California Vehicle Code: Sections 22450 (a), failure to stop for a stop sign, and Section 24603 (a) a non-working brake light on his vehicle. The complainant alleged the officer was harassing him because the officer was the same officer who had stopped the complainant on previous occasions. The complainant allegedly informed the officer of his suspicions, and said he would be filing harassment charges against the officer. Accordingly, the citing officer's immediate supervisor responded to the scene, and the complainant explained why he felt the citing officer was harassing him. The supervisor listened to the complainant's description of events and explained the laws concerning the infractions. Allegedly, the complainant did not make any other requests of the supervisor. Since no independent witnesses were developed, the complainant's allegation could not be supported. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/19/08 **DATE OF COMPLETION:** 03/05/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force during the detention/arrest. The officer denied the allegation. A witness at the scene prepared as statement, however the statement does not address the force used by the officer. Attempts to interview the witness have been unsuccessful. There is 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:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleged that the officer arrested him without cause. The officer denied the allegation. An independent witness corroborated the officer's description of the incident. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #3: The officer interfered with the rights of an onlooker.

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

FINDINGS OF FACT: The complainant alleged that the officer interfered with the rights of an onlooker. The officer denied the allegation. There were no other witnesses that came forward. There was 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 complainant alleged that the officer failed to properly process his property. The officer denied the allegation. There were no other witnesses that came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 11/20/08 **DATE OF COMPLETION:** 03/18/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to promptly respond to the scene and take required action.

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

FINDINGS OF FACT: The complainant stated she called 911 to report an assault. She stated she waited nearly two hours for an officer to arrive. The officer stated he was not dispatched to this run but volunteered to handle it. He stated when he arrived at the scene he could not locate the complainant. He stated he spoke to several people at the scene who stated the complainant left before he arrived. The available evidence supports a finding of Proper Conduct.

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.

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force while making an arrest. The complainant said the officer punched the person being arrested in the groin. The officer denied the allegation and said he hit the person in the face because the person tried to bite the hand of another officer. One witness said that, aside from taking the complainant down and pinning him to the ground, he could not recall any other force used by the arresting officers. There was no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged that the officer used profanity. The officer denied the allegation. A witness said he could not recall the statements made by the officers. There was no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer made inappropriate comments during the contact. The officer denied the allegation. A witness said he could not recall the statements made by the officer. 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 used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force by hitting him in the chest when she served him with a subpoena. A witness said he saw the officer hit the complainant in the chest. The officer denied the allegation. Two other officers that were at the scene stated the officer did not hit the complainant. No other witnesses came forward. The evidence was insufficient 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 officers failed to document a residence search.

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

FINDINGS OF FACT: The officers were not required to write an incident report on this event, as no criminal activity was discovered during the event. The officers documented the event with a memo to their Captain in which they stated there was no merit to the complaint received about the complainant after they investigated the complaint. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated in her complaint the officer has harassed her for feeding birds outside of her house as well as feeding her cat inside of her gate. The complainant failed to respond to the numerous attempts to record an interview with her. 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 ALLEGATIONS #1-2: The officers detained the complainant on October 16, 2008 without justification.

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

FINDINGS OF FACT: According to dispatch records, a description was broadcast of a suspect wearing particular clothing, of a certain height, ethnicity, hairstyle and build, running in a specific location. The complainant matched that description. He also acknowledged that he was within close proximity to the location of the reported incident. The officers detained the complainant based on information. The officer's conduct was proper.

SUMMARY OF ALLEGATION #3: The officer detained the complainant on December 2, 2008 without justification.

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

FINDINGS OF FACT: According to dispatch records, a description was broadcast of a suspect wearing particular clothing, of a certain height, ethnicity and build and in a specific location. The complainant matched that description. He also acknowledged that he was within close proximity to the location of the reported incident. The officers detained the complainant based on information. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant stated the officers arrested him without cause. Department records show the officers were dispatched to a robbery in progress. The officers were directed by the witness to a location where the complainant and an elderly male were on the ground. The complainant had the elderly male in a headlock. The officers separated the complainant and the elderly male. The elderly male told the officers the complainant was trying to rob him. The complainant admitted that he had the victim in a headlock and demanded money from the victim. The witness and the victim verified that the complainant was trying to rob the victim. The officers arrested the complainant for attempted robbery with force and parole 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 #3-4: The officers used force on the complainant during the arrest.

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force when they arrested him. The officers denied the allegation. The officers saw the complainant holding the victim in a headlock while on the ground. The officers heard the victim yelling for help. The officers placed their hands on the complainant's shoulders and separated the complainant and the victim. The victim told the officers that the complainant was trying to rob him. The officers handcuffed the complainant while the complainant and victim were on the ground. The witness stated that the officers acted in a professional manner in dealing with the complainant and the victim. The witness stated the officers did not use any excessive force when they handcuffed the complainant. The officers met the criteria of DGO 5.01 Section F, Circumstances Justifying use of Force, 1a: To prevent the commission of a public offense; 1c: to effect the lawful arrest/detention; 1d: In self-defense or in the defense of another person. The evidence proved that the acts, which provided the basis for the allegations, occurred, however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #5-6: The officers racially profiled the complainant.

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

FINDINGS OF FACT: The complainant stated the officers arrested him because he was an African American in a white neighborhood. The officers denied the allegation. The officers stated they arrested the complainant for attempted robbery with force and parole violation. The victim told the officers the complainant was trying to rob him. The witness officers stated the allegation had no merit. The officers stated that the issue of race was never brought up. The evidence proved that the alleged act did not occur.

SUMMARY OF ALLEGATION #7-8: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officers removed all of his personal property and the property was not returned to him. The officers stated the complainant's property was removed at the station where the complainant was processed for booking. The Arrest Card depicts the complainant's property was inventoried and listed on the arrest card. The Station Keeper documented the complainant's property. The complainant's property was transferred with the complainant, when was booked at the County Jail. The County Jail Property Room Deputy processed and inventoried the complainant's property that was removed at the police station. The complainant signed a SF SD Property and Request Form to have his property delivered to him. The complainant's request was processed per SFPD rules and regulations and the complainant obtained all of his personal property. The evidence proved the alleged act did not occur.

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

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

FINDINGS OF FACT: The complainant stated the officers arrested her without cause. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged the officer used unnecessary force while placing her under arrest. The officer denied the allegation. He stated she attempted to walk away from him while she was handcuffed and awaiting prisoner transportation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged the officer failed to take a report. The complainant alleged his neighbor vandalized his front door with a hammer. The officer investigated and spoke with the complainant's neighbor who admitted striking the door with a broom handle when his neighbor refused to quiet down. The complainant wanted the officer to take a report and alleged the officer refused. The officer denied the allegation, stating he offered to take a report as he interviewed the complainant, but the complainant wanted the neighbor arrested. When the officer stated he lacked grounds for arrest, the complainant allegedly shut the door in his face. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer was driving improperly.

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

FINDINGS OF FACT: The complainant failed to follow through with essential and necessary information in order to identify the officer in question to further this investigation.

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

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

FINDINGS OF FACT: The complainant failed to follow through with essential and necessary information in order to identify the officer in question to further this investigation.

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SUMMARY OF ALLEGATIONS #1: The officer failed to follow Department policy regarding use of cell phones.

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

FINDINGS OF FACT: The complainant said the named officer used her cell phone in a department vehicle without a hands-free device, in violation of state law. The officer acknowledged using her personal cell phone without a hands-free device, but denied the allegation, explaining that her actions were allowed under the California Vehicle Code and the Department's policy because she was on-duty in an emergency vehicle, conducting a work-related conversation. The officer provided no information as to whom she was speaking at the alleged time. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer uttered a racially derogatory name.

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

FINDINGS OF FACT: The complainant stated that an officer made a racially derogatory comment. The complainant failed to respond to repeated requests by OCC for an interview.

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

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

FINDINGS OF FACT: The complainant stated that an officer used unnecessary force. The complainant failed to respond to repeated requests by OCC for an interview.

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SUMMARY OF ALLEGATION #1-2: The officers displayed a rude attitude and demeanor.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on February 24, 2009.

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 actions.

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

FINDINGS OF FACT: The complainant stated that he went to a district police station and reported an incident concerning his confrontation with a neighbor but the officer refused to document the complainant's statement in a formal report. The Office of Citizen complaints found that the officer, in fact, wrote an incident report regarding the complainant's confrontation with his neighbor. The allegation was unfounded.

SUMMARY OF ALLEGATIONS #2-3: The officers made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that the officers tried to talk him out of filing a report regarding this confrontation with a neighbor and made some comments, which the complainant felt were inappropriate. The named members denied acting in the alleged manner. The Office of Citizen Complaints found that one of the named members, in fact, wrote the report concerning the complainant's confrontation with a neighbor and that the alleged comments could not have been reasonably construed as inappropriate. The evidence proved that the acts alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #1: 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 yelled at him, was sarcastic, and that the officer cited him due to his race or appearance over other violators. The officer denied the allegation. There were no other witnesses. There is insufficient evidence to 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 said the officer used profanity when he told him to sign the ticket. The officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS # 1-2: The officers detained and 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 drinking or about to drink from an open alcoholic beverage while intoxicated and unable to care for himself in public. The officers had strict directives to maintain a zero tolerance to public consumption of alcoholic beverages and to violence in the area where the complainant was detained. The officers' actions were lawful and proper.

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

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

FINDINGS OF FACT: The officer and four other witnesses on scene denied the allegation. Two other witnesses on scene did not hear the complainant or anyone else asking officers for names or star numbers. There were other witnesses on scene who were not identified. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer used excessive force at the scene.

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

FINDINGS OF FACT: The evidence established that the complainant was detained and directed to sit on the ground but he attempted to stand up for no apparent reason. The evidence further established that several officers applied physical controls in order to prone and handcuff the complainant who resisted while on the ground. While prone and prior to being handcuffed, the complainant said an officer picked his head up and shoved it twice against the sidewalk causing a concussion and swollen right forehead. Although the officer denied the allegation, he admitted he applied pressure on the back of the complainant's neck because the complainant continued to struggle violently as he attempted to lift himself up from the ground. There is conflicting and insufficient evidence over the degree of force used to overcome the complainant's resistance. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer's comments were inappropriate.

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

FINDINGS OF FACT: The officer and four other witnesses on scene denied the allegation. Two other witnesses on scene 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 #6: The officer made sexually derogatory comments.

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

FINDINGS OF FACT: All officers on scene denied the allegation and two other witnesses on scene could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7-10: The officers failed to loosen tight handcuffs.

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

FINDINGS OF FACT: The complainant stated that while handcuffed prone on the ground he notified officers that the handcuffs were too tight and his hands hurt, but no officer responded or loosened the handcuffs. The officers denied the allegation. Three witnesses on scene could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ADDED ALLEGATION #1-5: The officers failed to take required action.

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

FINDINGS OF FACT: The officers used physical controls to take the complainant to a prone position on the sidewalk in order to restrain him. The officers denied seeing any visible injury upon the complainant while he was in their custody. Sheriff Deputies who transported the complainant also denied seeing any noticeable sign of injury on scene or at the County Jail. The complainant sustained a concussion, swollen right forehead, and a strained right wrist. General Order 5.01 requires officers to immediately report the use of physical control that results in injury or a complain of pain. There is insufficient evidence to establish whether or not the injuries to the complainant were visible to officers at the time of his detention or transportation and there was also conflicting evidence regarding the complain of pain to his right wrist.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer yelled at the complainant.

CATEGORY OF CONDUCT: D

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The officer denied yelling at the complainant. He stated he spoke in a loud voice to wake the complainant. The complainant acknowledged that he was sleeping. 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 #1-2: For failure to take 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 March 13, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: