

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/06 **DATE OF COMPLETION:** 04/09/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. No witnesses could be located or identified based on the information provided by the complainant. There is insufficient evidence to prove or disprove the allegation

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

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

FINDINGS OF FACT: The officer denied the allegation. No witnesses could be located or identified based on the information provided by the complainant. There is insufficient evidence to prove or disprove the allegation.

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

SUMMARY OF ALLEGATION #1-2: The officers did not properly investigate this incident

FINDINGS OF FACT: The complainant stated that the officers did not investigate this incident. The officers stated that they responded to a dispatch call and spoke to the reporting party/complainant. The officers stated that they entered the building and spoke to the two persons that the complainant had called about. The officers observed no injuries to either person, nor did either person claim they were injured. The officers stated that both parties told the officers that his was a verbal argument and that it never became physical. The officers separated the parties and escorted one party from the premises. The officers also assisted each party in retrieving personal property. Police records indicate that the officers queried one individual through dispatch. The officers handled the situation and noted this in their department CAD records. The evidence showed that the conduct alleged did occur, however, said conduct was proper and lawful.

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

SUMMARY OF ALLEGATION #3-4: The officers did not provide their star numbers or names when requested.

FINDINGS OF FACT: The complainant stated that the officers did not provide the complainant with their names or star numbers when requested. The officers stated that they did provide this information to the complainant. No witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 03/07/06 **DATE OF COMPLETION:** 04/26/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer conduct and demeanor were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer was rude and dismissive toward her when she attempted to report telephone harassment. The officers denied the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer misrepresented the truth.

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

FINDINGS OF FACT: The officer denied the allegation. A witness failed to corroborate the complainant's allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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:

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

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

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

Lieutenant Douglas L. Carr
Management Control Division
850 Bryant Street, Room #545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated she should not have been detained. The complainant stated she was angry and was in a verbal and physical altercation with her husband and his family. The officer stated the complainant was handcuffed due to an ongoing investigation and for the officer and complainant's safety. The witnesses stated in the police report the complainant injured herself and was suicidal. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated she should not have been pat searched at the scene. The officer stated the complainant was under an investigation for a mental health detention. The officer stated the complainant was pat searched for the officer and complainant's safety. The complainant was detained and pat searched before being handcuffed and transported to the hospital.

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

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

FINDINGS OF FACT: The complainant was in a verbal and physical altercation with her husband and his family. The complainant admitted to injuring her husband's mother. The complainant was handcuffed for a mental health detention. The witnesses in the report stated the complainant was angry, physical, and tried to commit suicide by hurting herself at the scene.

SUMMARY OF ALLEGATION #4: The officer failed to receive a citizen's arrest from the complainant.

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

FINDINGS OF FACT: The complainant stated she told the officer to have her husband arrested. The complainant stated she was the victim. The officer stated the complainant did not request for a citizen's arrest at the scene. The witnesses did not provide further information. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated she was injured by her husband and his family. The complainant stated the officer did not investigate the incident further and did not take her side of the incident. The complainant stated the incident was a domestic violence and not a mental health detention. The officer stated the complainant did not tell him that the incident was a domestic violence type situation. The officer stated the complainant along with her husband and his family did not advise him of her injuries. The witnesses stated the complainant was suicidal and was restrained from hurting herself at the scene. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF OCC ADDED ALLEGATION #1-2: The officer wrote an inaccurate and incomplete report.

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

FINDINGS OF FACT: The complainant stated before the police arrived at the scene, an off duty officer responded to assist her husband. One of the officers at the scene stated the off duty officer was at the scene after the suicide attempt and did not witness the incident. The off duty officer played no active role and not a witness at the scene prior to and after the incident. The off duty officer stated he arrived a few minutes prior to the arrival of the police and left a few minutes after the police departed. The Incident Report- reviewing officer stated the report had no indicators of a domestic violence but rather a mental health detention report. The witnesses stated the complainant was suicidal and no mention of a domestic violence incident at the scene. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF OCC ADDED ALLEGATION #3-4: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated she should not have been detained for a mental health detention but rather a victim of domestic violence from her husband. The officers stated the incident report was determined to be a mental health detention and not a domestic violence incident. One of the officers stated he did not observe any visible injuries on the complainant. The officer stated he noticed mild redness on complainant's wrists from the complainant's physical contact with her family. The incident report-reviewing officer stated he was not at the scene but reviewed the incident report. The officer stated he did not identify any factors within the report as a domestic violence type of incident, but rather a mental health detention type incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated that the officers should have arrested the reporting party, who has a restraining order against him, for making a false report or for threatening him. The preponderance of the evidence established that the officers responded to the petitioner's report of a restraining order violation, which was denied by a witness on scene. The officers attempted to contact the complainant but he did not come out to the door. The officers were not obliged to arrest the reportee under the circumstances so their actions were 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 neglected his duty by failing to write an Incident Report the complainant demanded.

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

FINDINGS OF FACT: The complainant did not articulate any criminal conduct when interviewed by O.C.C. regarding the conduct complainant wanted the Incident Report to document. San Francisco Police Officers are required to write Incident Reports on criminal conduct, but are not required to document non-criminal activity in Incident Reports. The officer's decision not to write an Incident Report on the non-criminal activity the complainant reported is thus proper conduct.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers used force at the station.

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

FINDINGS OF FACT: The complainant stated while he was in the station's cell, officers came in and struck him in the head and body. The named officer stated he had no contact with the complainant and was not at the station during the incident. Another officer stated he was not on duty at the time of the incident. A witness stated she saw a video monitor of the officers making contact with the complainant. The witness stated she could not make out clearly what she saw as she was under the influence of alcohol. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to provide identification.

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

FINDINGS OF FACT: The complainant stated he asked the officers for their star numbers but the officers refused. One of the named officers stated he had no contact with the complainant and was not at the station during the incident. Another officer stated he was not on duty at the time of the incident. A witness stated she saw a video monitor of the officers making contact with the complainant. The witness stated she could not make out clearly what she saw as she was under the influence of alcohol. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #5-6: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers at the station told him in his cell that he was stupid. One of the named officers stated he had no contact with the complainant and was not at the station during the incident. Another officer stated he was not on duty at the time of the incident. A witness stated she saw a video monitor of the officers making contact with the complainant. The witness stated she could not make out clearly what she saw as she was under the influence of alcohol. 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 #: This complaint raises matters not within OCC's jurisdiction.

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

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

Lieutenant A. Kennedy
San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, 3rd Floor
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction.

Labor Standards Enforcement
455 Golden Gate Avenue
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

Department of Parking and Traffic
Attn: Review Department
1380 Howard Street #1000
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been faxed over to the San Francisco Sheriff's Department Investigative Services Unit.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers were out of jurisdiction without permission.

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

FINDINGS OF FACT: The complainant said she was accused of running a red light and was stopped out of jurisdiction. The officers said they witnessed the complainant change lanes, speed, and run a red light in San Francisco. The officer stated he did not activate his lights immediately because other cars would stop thinking he was pulling them over and he did not want to lose sight of the vehicle. So he activated his lights before reaching the city out of jurisdiction. The officer stated that during this pursuit he did not notify a supervisor because it was not reasonable until after he had stopped the complainant. He also did not seek prior approval because he did not know he was going to be out of jurisdiction. There is insufficient evidence to prove or disprove that the complainant committed the traffic violations.

SUMMARY OF ALLEGATIONS #3-4: The officers effected a traffic stop outside of jurisdiction.

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

FINDINGS OF FACT: The complainant said she was accused of running a red light and was stopped out of jurisdiction. The officers stated the complainant committed traffic violations in San Francisco and they were close to the border of another city when she was stopped. Per PC section 830.1 (a), the officers may extend their jurisdiction when an offense is committed in their political subdivision where he is employed and serves. However, there is insufficient evidence to prove or disprove that the complainant committed the traffic violations.

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SUMMARY OF ALLEGATIONS #5-7: The officers detained the complainant without cause.

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

FINDINGS OF FACT: The officers stated that when they informed the sergeant they had conducted a traffic stop out of jurisdiction and driver was the complainant; the officer told them that he has a search warrant for her. The officers detained the complainant pursuant to a search warrant. Per DGO 5.03 the officers had the authority to detain the complainant and they had a search warrant with the complainant's name.

SUMMARY OF ALLEGATIONS #8-10: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the officers searched her vehicle. The officers stated the complainant was unable to find her registration so they searched areas in her vehicle where the registration could be such as the side door panel, the dash, the visor, and under the seat. Aside from that, the sergeant had a search warrant for the complainant, and her vehicle. Per case law, the officers had a right to search the vehicle. Also the officers had a search warrant for the complainant and it was issued a day before this incident.

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SUMMARY OF ALLEGATIONS #11-12: The officers damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that the officers damaged her center console and sliding door of sunroof. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATIONS #13-15: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that she told the officers that they were harassing her and at that point the sergeant told one officer to handcuff her and that now he was harassing her. The complainant also said that one officer accused her of being a liar. The complainant said an officer smoked inside the car while the windows were rolled up and she was sitting in the back. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #16: The officer handcuffed the complainant.

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

FINDINGS OF FACT: The officer stated the complainant was handcuffed because she was going to be transported and searched pursuant to the execution of the search warrant. The search warrant named the complainant, the officer's actions were lawful, justified and proper.

SUMMARY OF ALLEGATION #17-19: The officers transported the complainant without justification.

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

FINDINGS OF FACT: The officers stated the complainant was transported because she was going to be searched pursuant to the execution of the search warrant. The search warrant named the complainant, and the officers' actions were lawful, justified and proper.

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SUMMARY OF ALLEGATION #20-22: The officers conducted a strip search of the complainant without cause.

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

FINDINGS OF FACT: The complainant stated she was taken to the police station and strip searched. The officers stated they had a signed search warrant for the complainant. The search warrant named the complainant and was signed by a judge. The officers' actions were lawful, justified and proper.

SUMMARY OF ALLEGATION #23: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated the officers did not return her ID and insurance card. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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OCC ADDED ALLEGATION:

SUMMARY OF ALLEGATION #1: The officer failed to complete a strip search authorization form.

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

FINDINGS OF FACT: The officer stated he did not need to complete the form since he already had a signed search warrant from the judge. There is no special authorization needed to conduct a strip search only if it is a body intrusion search and this was not the case.

SUMMARY OF ALLEGATION #2-3: The officers improperly used a battering ram without authorization.

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

FINDINGS OF FACT: The officers stated that they did not need to seek special authorization to use a battering ram to make entry. The sergeant stated that the judge does not authorize you on any specific way to make entry. He said the judge leaves it to you and your best interest on how to enter the premise and what is safe for the officers. The officers used a hand held battering ram.

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SUMMARY OF ALLEGATION #4: The officer sought and obtained a search warrant without probable cause.

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

FINDINGS OF FACT: The officer said he had every belief that he had the probable cause to do the search because the judge signed the search warrant. The search warrant was reviewed and signed by a judge.

SUMMARY OF ALLEGATION #5: The officer failed to write an accurate report.

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

FINDINGS OF FACT: The report states the complainant was “searched” vs. “strip searched”. The sergeant stated that there was no reason for why he stated that the complainant was searched vs. strip-searched. He said he does not believe that there is anything requiring him to write “strip search” vs. “search”. The report is written as a “Search Warrant Service,” and because there is no special authorization needed to conduct a strip search when you have a warrant, it is more likely that writing “search” is sufficient. There is no specific rule stating he must make a distinction.

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

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

FINDINGS OF FACT: The complainant stated during his conversation with the officer that he made an inappropriate comment. The officer denied the allegation. There were no witnesses to their conversations. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant said the officer threatened to arrest him in front of his family. The officer denied the allegation. There were no witnesses to their conversations. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3: The officer took police action outside of his jurisdiction without authority to do so.

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

FINDINGS OF FACT: The complainant stated that the officer continued to pursue this case after another police department had closed the case. The officer stated he had his commanding officer's approval to go out of jurisdiction. He also stated that this was his San Francisco Investigation not San Mateo's although he asked for their assistance. The officer stated he gave the officer approval to go out of jurisdiction in order for him to continue with his investigation. DGO 5.11 Section II. B. e. allows officers to another jurisdiction whenever a supervisor determines that a response is appropriate.

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

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

FINDINGS OF FACT: The complainant stated that the officers failed to provide their attorney with relevant documents. The officers stated that DMV documents are confidential and the lawyer could have subpoenaed records from DMV. There is no order requiring officers to provide DMV documents. The complainant also stated that the commanding officer did not return his lawyers phone calls. There were no other witnesses.

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SUMMARY OF ALLEGATIONS #6: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the officer wrote a letter to his lawyer informing her that he had used profanity against him, which was not true. The complainants also believed that the officer provided bogus or back dated reports to further the recovery of complainant's vehicle. The officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7: The officer failed to provide an incident report to the co-complainant.

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

FINDINGS OF FACT: The complainant stated that a Captain refused to provide her with a copy of an Incident Report. The officer stated that the co-complainant was not entitled to receive the report, because this was an on-going investigation. The complainant had the impression that there was an extra report generated of vandalism. Per DGO 3.16 II. B. and C. 1. The Captain had the authority to withhold the Incident Report pending the conclusion of the investigation.

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SUMMARY OF ALLEGATION #8: The officer harassed the complainant.

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

FINDINGS OF FACT: The co-complainant stated that the officer continued to call her husband and show up at his business after another police department closed the case. The officer denied the allegation. There is insufficient evidence to determine what constitutes harassment when having contact with someone that is part of the investigation.

SUMMARY OF ALLEGATION # 9: The officer conducted an improper investigation.

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

FINDINGS OF FACT: The complainants believed that the officer was pursuing this case as a favor to a member who is childhood friends with the other involved party. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The victim stated that complainant stole her purse and transported it outside to a specific location. Several of the witnesses interviewed by the Office of Citizen Complaints confirmed the theft. The officers arrested the complainant and charged him with the theft after the victim swore out a citizen's arrest. The officers also charged the complainant for battery on a police officer. None of the witnesses interviewed saw the complainant spit. The complainant stated that he was injured by one of the named officers after he was arrested and that his mouth was injured during the process, causing it to bleed. The complainant stated that he had to spit the blood out of his mouth and that blood may have hit one of the officers in the process. The arrest was justified.

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

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

FINDINGS OF FACT: The witnesses interviewed confirmed that the complainant stole the victim's purse. The handcuffing, subsequent to the arrest, was justified.

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

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

FINDINGS OF FACT: The complainant stated that the officer bent his wrists backwards after he was handcuffed. The complainant stated that he objected to this treatment by the named officer. As he was being removed from the scene, the complainant stated that he and the officer exchanged racist epithets. The officer denied calling the complainant a racist epithet. The complainant stated that the named officer became enraged and dragged him down a hallway and kicked him behind the ear, causing him to scream in pain. Witnesses overheard the complainant scream and cry in pain. The witnesses saw the complainant earlier in the day with his face intact and later saw him with bruises, but failed to observe the entire sequence of events. Some of the witnesses stated they were kept from observing what occurred on the orders of the victim, who would not cooperate with Office of Citizen Complaints. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to properly report his use of force per DGO 5.01.

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

FINDINGS OF FACT: The officer stated he used physical control needed to take the complainant into custody, reporting the force because the complainant complained of pain. He denied that he used unnecessary force. There was insufficient evidence to prove the allegation.

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SUMMARY OF ALLEGATIONS#1 through 4: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officers denied the allegation. Witness officers corroborated the named members statements. No other officer was specifically identified by the investigation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5 through 7: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The officers denied the allegation. Witness officers corroborated the named members statements. No other officer was specifically identified by the investigation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #8 through 10: The officers falsely charged the complainant with a crime.

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

FINDINGS OF FACT: The officers denied the allegation. Witness officers corroborated the named members statements. No other officer was specifically identified by the investigation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #10 through 14: The officers used unnecessary force against the complainant.

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

FINDINGS OF FACT: The officers denied the allegation. Witness officers corroborated the named members statements. No other officer was specifically identified by the investigation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #15 and 16: The officers misrepresented the truth.

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

FINDINGS OF FACT: The officers denied the allegation. Witness officers corroborated the named members statements. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #17 and 18: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The officers 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 #19 and 20: The officers handcuffed the complainant without cause.

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

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

SUMMARY OF ALLEGATIONS #21 and 22: The officers transported the complainant without justification.

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

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

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SUMMARY OF ALLEGATION #23: The officer threatened the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. A witness officer denied hearing the named member make the alleged statement. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #24: The officer is harassing the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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OCC ADDED ALLEGATIONS

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

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

FINDINGS OF FACT: The complainant was cited thereby negating the need to issue a Certificate of Release. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS #3 and 4: The officers failed to prepare an Incident Report.

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

FINDINGS OF FACT: The complainant was cited for an infraction and released. There was no requirement under the circumstances that the officers prepare an Incident Report.

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SUMMARY OF ALLEGATION #1-3: The officers failed to thoroughly investigate.

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

FINDINGS OF FACT: The complainant stated that the officers who responded to her residence failed to look at the evidence or conduct thorough interviews. The officers in charge of the investigation stated that they inspected every room, and said the evidence described by the complainant was not in sight. They also stated that they conducted thorough interviews of the parties known to be in the apartment. A third officer, who responded in answer to a complaint about the earlier response, stated that he investigated the earlier response and not the alleged crime itself as the officers had done a thorough investigation. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-5: The officers made inappropriate remarks and exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that an officer told her to “clean up her act” and that she heard, but did not see, officers make another inappropriate comment about her. She stated that the investigating officers behaved inappropriately when checking her for signs of injury and were hostile and dismissive. The officers denied making or hearing any remarks or behaving inappropriately. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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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 stated that the officers failed to protect her from her roommate and failed to make a police report. The officers stated that the complainant denied that she and the other party had a relationship and said the other party also stated the two had no relationship and only shared the apartment rental. Communication records indicate that the complainant described the other individual as a roommate when calling to report the alleged assault. The complainant stated that the officers failed to ask questions to determine if this was a domestic violence situation. The officers stated that they did consider and ask the pertinent questions to evaluate whether or not it was a domestic violence situation requiring certain specified actions on their part, and determined it was not. The officers stated they found no evidence that any crime had taken place and were specifically informed that the parties had no relationship. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to take a report when the complainant went to the police station about an assault. The evidence established that the officer did take a report, a copy of which was obtained and placed in the OCC file. The officer took the proper and required action.

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SUMMARY OF ALLEGATION #9: The officer failed to accept a citizen's complaint.

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

FINDINGS OF FACT: The complainant stated that the officer who responded to her residence after she called to complain about an earlier, unsatisfactory police response, failed to offer to take an OCC complaint or to inform her about the OCC. The officer stated that he did both. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-5: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officers rushed, kicked, used batons, and sprayed OC spray on him at the scene. The officers stated the complainant was not cooperative, hostile, agitated, and threatened to shoot the officers. The officers further stated the complainant tried to barricade himself in a bathroom and threatened them with a plunger. The witness stated the complainant resisted and threatened the officers and refused to obey the officers' commands. There is insufficient evidence to establish the level of force necessary to subdue the complainant.

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

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

FINDINGS OF FACT: The complainant stated an officer told him not to forget which officer pepper sprayed him. The officer stated he did not tell the complainant not to forget who used OC spray on him. The officer stated he spoke to the complainant and identified himself by his name and star number. The witness stated she did not hear the dialog between the complainant and the officer. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7-8: The officer detained the complainant at gunpoint.

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

FINDINGS OF FACT: The complainant stated officers arrived at the scene and had their guns drawn toward him. The officers stated the complainant threatened to shoot them, and refused to show his hands. The witness stated the complainant threatened to shoot the officers. The evidence proved that the acts, which provided the basis for allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he, his cousin and a female companion went to a North Beach nightclub. When the complainant's cousin was ejected from the club, the complainant went outside with him, and police officers refused to allow the complainant to re-enter the club to get their companion, who had driven them to San Francisco. A police officer ordered the complainant and his cousin to move away from the area, then pushed the complainant into the crosswalk and threatened to arrest the complainant if he continued to talk. As the complainant and his cousin were crossing the street, multiple officers rushed towards them and arrested them. The complainant's cousin stated that he was ejected from the nightclub, as he was about to punch one of the security guards there. The complainant left the club and attempted to calm his cousin down. The complainant was asking the club manager and police officers outside the club whether he could notify the woman who had driven them to San Francisco that they had been ejected. A police officer ordered the complainant and his cousin to cross the street or be arrested, and then pushed the complainant into the street. After they crossed the street, multiple officers rushed across the street and arrested them. The named officers stated that after the complainant was refused re-admittance to the club, he and his cousin crossed the street against a red light. Midway across the street, the complainant said that he had a gun and was going to shoot the named officer, and reached towards his waistband. The named officers grabbed the complainant's cousin, while unidentified officers from the Tactical unit grabbed and arrested the complainant. The officers from the Tactical unit stated that they did not recall this incident. The complainant and his cousin denied that the complainant claimed to have a gun, or that he threatened the officers. No civilian witnesses to the complainant's arrest were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3-4: The officer used unnecessary force on the complainant during the arrest.

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

FINDINGS OF FACT: The complainant stated that an officer whom he could not describe placed him in a headlock, and that another officer punched him in the stomach. The complainant was unable to identify the officers who used the force. The complainant's cousin, who was arrested along with him, stated that an officer grabbed the complainant by the arm and slammed him onto the trunk of a police car. After handcuffing the complainant, this officer placed the complainant in a headlock. Another officer then punched the complainant in the stomach. A companion of the complainant stated that when she exited the club, she saw the complainant in handcuffs. She saw an officer with his arms around the complainant's neck, and other officers holding the complainant against a police car. The two arresting officers stated that they grabbed and handcuffed the complainant's cousin, and that unidentified officers from the Tactical unit grabbed and arrested the complainant. The officers from the Tactical unit stated that they did not recall this incident. The officers who were involved in arresting and transporting the complainant stated that neither the complainant nor his cousin resisted, and denied that any force was used. Both the complainant and his cousin had been drinking heavily. There is insufficient evidence to identify the officers, who used force on the complainant, or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer filed false charges against the complainant.

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

FINDINGS OF FACT: The complainant stated that when he was placed inside the side compartment of a police wagon, he saw a bag of marijuana inside, and alerted an unidentified officer about this. This officer told the complainant that the marijuana was his. The complainant's cousin, who was arrested along with him, stated that he was placed in the rear compartment of the wagon. He heard a door to the wagon open, and then heard the complainant say that there was marijuana inside. An unknown officer replied, "it's yours." The officer who transported the complainant to the station in a wagon stated that the side compartment was clear when the complainant was placed inside it. The arresting officer stated that when he opened the side compartment door at the station, he smelled marijuana, and then saw bindles of marijuana inside the side compartment. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that as he was being transported to the police station the officer called him a derogatory name, and after he arrived at the station but before he was taken inside, the officer made a derogatory comment about the complainant's mother. The complainant's cousin, who was arrested along with him, stated that did not hear the officer make the inappropriate comment inside the wagon. The complainant's cousin stated that while he was seated in the holding area, he heard a commotion coming from the garage, and heard an officer yell the derogatory comment about the complainant's mother. Two civilians who were in the holding area stated that they did not hear a derogatory comment made in the garage outside the holding area. The named officer and his partner denied that the named officer made inappropriate comments to the complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer attempted to provoke the complainant into an altercation.

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

FINDINGS OF FACT: The complainant stated that after he was transported to the police station, he was removed from the wagon but was not taken inside the station. The officer removed the complainant's handcuffs and challenged him to fight, then struck him repeatedly in the face. The complainant's cousin, who was arrested and transported along with him, stated that when the transport wagon arrived at the police station, he was taken from a garage into a holding room inside the station, but that the complainant was not brought into the holding room until several minutes later. The complainant's cousin stated that during that time, he heard a loud commotion coming from the garage. When the complainant was led into the holding area, he had a knot on his forehead, and told his cousin that the officers removed his handcuffs, challenged him to fight and struck him. The named officer, his partner, and the arresting officer all denied that the complainant's handcuffs were removed, or that the named officer challenged the complainant to fight. The complainant's medical records document swelling over his left eyebrow, and the complainant's report that he was punched in the head. The named officer denied having any significant contact with the complainant, yet the complainant had his star number, which did not appear on any of the complainant's paperwork. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 8 & 9: The officers used unnecessary force on the complainant after he was in custody.

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

FINDINGS OF FACT: The complainant stated that when he arrived at the garage of the police station, the officers removed him from the wagon. One of the officers removed the complainant's handcuffs and challenged the complainant to fight. This officer then punched the complainant in the face several times and threw him to the ground. The other officer who was present placed his knees on the complainant's neck while his partner handcuffed the complainant. The complainant's cousin, who was arrested and transported along with him, stated that when the transport wagon arrived at the police station, he was taken from a garage into a holding room inside the station, but that the complainant was not brought into the holding room until several minutes later. The complainant's cousin stated that during that time, he heard a loud commotion coming from the garage, and in response, he told others in the holding area, "they're beating my cousin." When the complainant was led into the holding area, he had a knot on his forehead, and told his cousin that the officers removed his handcuffs, challenged him to fight and struck him. A civilian witness who was in the holding area that night stated that he saw an officer slap the complainant in the face in the holding area after the complainant cursed at a female officer. The description this witness provided of this officer conflicted with the officer descriptions provided by the complainant and his cousin, and with the physical characteristics of the officer who the complainant identified as striking him in the garage. This witness stated that he did not hear a commotion coming from the garage. Another civilian witness who was in the holding area stated that he did not hear sounds of a commotion coming from the garage, although he did see officers remove individuals from the holding area, after which he heard the sounds of an altercation. This witness described an officer striking a handcuffed man inside the holding area, but this was apparently not the complainant. This witness thinks he recalls a man in the holding area saying, "they're beating my cousin." Attempts to interview two other prisoners who were in the holding area when the complainant was brought to the station were unsuccessful. The complainant's jail medical records document swelling over his left eyebrow, and the complainant's report that he was punched in the head. In the complainant's mug shot and jail ID photographs, his hair covers the area above his eyelids, so no injury is visible. The named officer stated that he and his partner transported two men from the scene of this incident to the station, where the arresting officer met them in the garage. The named officer denied that the complainant's handcuffs were removed, or that he or any other officer used force on the complainant in the garage of the police station. The named officer's partner denied that the complainant's handcuffs were removed, or that any officer used force on the complainant in the garage of the police station, as did the arresting officer. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 10: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity in the garage of the police station. The officer denied the allegation. The officer's partner and the arresting officer denied that any profanity was used. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 11 & 12: The officers failed to provide medical attention to the complainant.

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

FINDINGS OF FACT: The complainant stated that one of the named officers repeatedly struck him in the face in the garage of the police station, causing swelling to his forehead. The complainant stated that he was not given any medical attention. The named officers and a witness officer denied that any force was used on the complainant. There were no civilian witnesses. The complainant's jail medical records document swelling over his left eyebrow, and the complainant's report that he was punched in the head. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #1 & 2: The officers failed to report and document use of force.

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

FINDINGS OF FACT: The complainant claimed that one of the named officers struck him in the face repeatedly, causing an injury. No use of force log entry was made, and use of force was not noted in the incident report prepared by the arresting officer. Both officers denied that any force was used on the complainant, or that he sustained an injury, and that therefore there was no need to report or document use of force. A witness officer also denied that any force was used on the complainant. The complainant's jail medical records document swelling over his left eyebrow, and the complainant's report that he was punched in the head. There is insufficient evidence to prove or disprove whether one of the named officers used force on the complainant, and therefore, there is insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to receive an arrest by a private person.

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

FINDINGS OF FACT: The complainant stated that she got into a verbal disagreement with a Parking Control Officer, who assaulted her, and that the police officer who responded arrested her, and failed to accept her citizen's arrest of the Parking Control Officer. The named officer confirmed that the complainant requested a citizen's arrest of the Parking Control Officer, and stated that he did not receive it because there was insufficient evidence to support such an arrest. The officer cited a change to the California Penal Code section governing Private Person's Arrests and a Department Bulletin, which contradicts an existing Department General Order. Department regulations are unclear concerning the circumstances under which officers are obligated to receive a private person's arrest versus taking the subject of a private person's arrest into custody, and these regulations need to be clarified.

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

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

FINDINGS OF FACT: The complainant stated that she got into a verbal disagreement with a Parking Control Officer, who assaulted her, and that the police officer who responded wrongfully arrested the complainant and made inappropriate comments to her and her husband. The complainant's husband stated that the named officer made inappropriate comments. The named officer denied the allegation. The Parking Control Officer, one civilian witness, and one of the paramedics who responded stated that they did not recall hearing the officer make the inappropriate statements. Another civilian witness failed to respond to OCC requests for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she got into a verbal disagreement with a Parking Control Officer, who assaulted her, and that the police officer who responded failed to properly investigate the incident. The co-complainant, who is the complainant's husband, also stated that the officer failed to properly investigate. The Parking Control Officer and one civilian witness stated that the officer appeared to investigate the incident properly. Another civilian witness failed to respond to requests by OCC for an interview, but told an investigator for the complainant's attorney that the officer tried to influence the statement she gave him to favor the Parking Control Officer. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that she got into a verbal disagreement with a Parking Control Officer, who assaulted her, and that the police officer who responded wrongfully arrested the complainant. The Parking Control Officer stated that the complainant verbally confronted her about a citation she was writing for the complainant's vehicle. As the Parking Control Officer attempted to place the citation on the vehicle's windshield, the complainant grabbed it out of her hand and struck her. In response, the Parking Control Officer pushed the complainant away. One civilian witness confirmed that the complainant attacked the Parking Control Officer. Another civilian witness failed to respond to OCC requests for an interview. The named officer stated that his decision to arrest and cite the complainant was based on his interviews with witnesses at the scene, and on his observation of an injury to the Parking Control Officer. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer wrote an incomplete and inaccurate Incident Report.

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

FINDINGS OF FACT: The complainant stated that she got into a verbal disagreement with a Parking Control Officer, who assaulted her, and that the police officer who responded failed to prepare a complete and accurate incident report, especially concerning statements that she and another witness made, and the location of her injuries. The co-complainant, who is the complainant's husband, also stated that the officer failed to prepare a complete and accurate report. The named officer denied the allegation. One civilian witness failed to respond to requests by OCC for an interview, but told an investigator for the complainant's attorney that the officer tried to influence the statement she gave him to favor the Parking Control Officer. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-5: The officers detained the complainant without justification.

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

FINDINGS OF FACT: An officer who initially detained the complainant is no longer within SFPD jurisdiction. The officers who detained the complainant a second time stated that they based their detention for psychiatric evaluation on a telephone call they received regarding threats the complainant was alleged to have made plus his attitude and agitated state when they spoke with the complainant on the phone and in person. Communications records confirmed the telephone call, but no independent witnesses came forward to confirm the complainant's attitude or demeanor, over the phone or in person. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officers displayed their firearms without justification.

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

FINDINGS OF FACT: The complainant stated that officers who initially detained him approached his boat with their weapons drawn. An officer who initially detained the complainant is no longer within SFPD jurisdiction. The identity of any other SFPD officers who accompanied that officer was not established. As no officers were available to articulate a justification for displaying firearms, there is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officers searched the complainant without justification or cause.

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

FINDINGS OF FACT: The complainant stated that officers who initially detained him searched him without justification. An officer who initially detained the complainant is no longer within SFPD jurisdiction. The identity of any other SFPD officers who accompanied that officer was not established. As no officers were available to articulate a justification for searching the complainant, there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officers searched the complainant's property without justification or cause.

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

FINDINGS OF FACT: The complainant stated that officers who initially detained him searched his boat and its contents without justification. An officer who initially detained the complainant is no longer within SFPD jurisdiction. The identity of any other SFPD officers who accompanied that officer was not established. As no officers were available to articulate a justification for their search, there is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that officers who initially detained him told him he had to move his boat, although they had no authority to make him leave the spot where he was anchored. An officer who initially detained the complainant is no longer within SFPD jurisdiction. The identity of any other SFPD officers who accompanied that officer was not established. As no officers were available to articulate reason for any order given, or to establish that an order was given, there was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officers misused their police authority.

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

FINDINGS OF FACT: The complainant stated that, without legal justification, SFPD officers directed the United States Coast Guard to tow his boat and return him to SFPD jurisdiction. Officers interviewed in connection with the incident denied giving any such direction to the Coast Guard or knowing who might have. Communication records failed to confirm the origin of the decision to return the complainant to SFPD. No written guidelines for jurisdiction in such cases were found. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11-12: The officers behaved inappropriately and made inappropriate remarks.

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

FINDINGS OF FACT: The complainant stated that an officer who spoke with him when he telephoned and officers who were present when he appeared to reclaim his boat, made inappropriate comments and behaved inappropriately. The named officer denied making the alleged comments on the telephone or in person. A civilian witness did not recall hearing or seeing any inappropriate behavior or comments by any officers. Interviews and search of SFPD records failed to establish the identities of other officers present when the complainant picked up his boat. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #13: The officers failed to prepare an Incident Report.

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

FINDINGS OF FACT: The complainant stated that officers refused to make a report of damage to his boat when he came to reclaim it and asked for such a report. The investigation was unable to establish the identities of officers present at the time. An officer known to have spoken to the complainant that day stated he was not present when the alleged request for a report was made. A civilian witness stated she did not know if the complainant asked for a report or whether one was made. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #14: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that the officers present when he came to claim his boat after being detained for psychiatric evaluation failed to investigate the cause of damage to his boat that took place during his absence. The investigation was unable to establish the identities of officers present at the time. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #15-19: The officers failed to protect the complainant's property.

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

FINDINGS OF FACT: The complainant stated that officers failed to secure his boat when detaining him for an involuntary psychiatric evaluation, and that they refused to allow him to secure it himself before he was transported. The officers who detained the complainant stated that the boat was secured at the dock by the U.S. Coast Guard who had towed the complainant to the marina, and as far as they knew, it was properly secured. The officers stated that SFPD handled the complainant and his detention, and that the boat was under the control of the Coast Guard, who had an expertise in marine craft not possessed by the responding SFPD members. The officers at the scene said they did not recall the complainant asking to do anything with his boat before being transported. No civilian witnesses were located. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer wrote an incomplete, inaccurate Incident Report.

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

FINDINGS OF FACT: The police report that documented the complainant's psychiatric detention did not describe what was done to safeguard and secure his boat. The officer who wrote the report said that he did not consider the boat to be personal property within the meaning of the regulation. He also stated that the U.S. Coast Guard had custody of the boat and were responsible for securing it, not SFPD. He said he did not know what was needed to secure a boat or what the Coast Guard did to secure it. The officer said he showed the report to a superior officer who did not tell him to document what was done with the boat. The superior officer said he did not recall if he read the report or not. There was insufficient evidence to either prove or disprove whose ultimate responsibility it was to secure the boat and document what was done to secure it.

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer exhibited inappropriate behavior and made rude comments.

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

FINDINGS OF FACT: The complainant and co-complainant stated that they and several other individuals were sitting on a street corner. The officer approached them, and said that they were blocking the sidewalk. The officer threatened to arrest them if they did not leave. The complainant stated that an employee from the facility came outside and told the officer that the individuals were not blocking the sidewalk, but that the officer's bicycle was. The officer then threatened to cite the employee. The employee confirmed that the officer threatened, in a rude manner, to cite him when he pointed out that the individuals outside the facility were not blocking the sidewalk, but that the officer's bicycle was. The co-complainant stated that she recalled someone from the facility coming outside and telling the officer that his bicycle was blocking the sidewalk, but was uncertain whether she heard the officer threaten to cite this individual. Another witness stated that she went inside the facility and did not witness this part of the incident. Other civilian witnesses who were present could not be identified and contacted. The named officer stated that he has had numerous contacts with the complainant and others at the location, and he did not recall this specific encounter. The officer stated that he does not threaten to cite someone unless they have done something illegal. The evidence established that the officer threatened to cite the employee, and that his statement constituted inappropriate behavior.

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

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

FINDINGS OF FACT: The complainant and co-complainant stated that they were sitting on a street corner. The officer approached and threatened to arrest them if they did not leave. The officer stated that he has had numerous contacts with the complainant and others at the location, and he did not recall this specific encounter. The officer stated that individuals frequently block the sidewalk at the location, generating numerous complaints from local merchants, and that he often asks these individuals to move. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 3: The officer threatened people without cause.

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

FINDINGS OF FACT: The complainant and co-complainant stated that they were sitting on a street corner. The officer approached and threatened to arrest them if they did not leave. The named officer stated that he has had numerous contacts with the complainant and others at the location, and he did not recall this specific encounter. The officer stated that individuals frequently block the sidewalk at the location, generating numerous complaints from local merchants, and that he only threatens to arrest an individual if they are engaged in illegal activity and fail to heed warnings. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that he and several other individuals were sitting on a street corner when the officer approached, threatened to arrest them if they did not leave and used profanity. The co-complainant and one civilian witness stated that they did not recall the officer using profanity. The named officer stated that he has had numerous contacts with the complainant and others at the location, and did not recall this specific encounter, but denied ever using profanity. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant and co-complainant stated that they were sitting on a street corner. The officer approached and threatened to arrest them if they did not leave. The complainant and co-complainant stated that they had similar previous encounters with this officer, who they believed was harassing them. The named officer stated that he has had numerous contacts with the complainant and others at the location, and denied harassing them or other individuals. The officer stated that individuals frequently block the sidewalk at the location, generating numerous complaints from local merchants, and that he asks individuals here to move and they typically comply. The officer stated that he typically admonishes individuals here about illegal activity, such as drinking in public or having dogs off leash, before citing or arresting them. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that the officer sprayed him and his property with water from a hose. Although the officer acknowledged that the complainant's bag of personal property was wet, he denied that he sprayed the complainant's property and said it might have gotten wet from contact with the complainant after he had himself been sprayed. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer sprayed him with water from a hose, while rudely telling him to leave. The officer acknowledged that he sprayed the complainant in the face with water from a hose he was holding and that he made comments that were deemed inappropriate. A preponderance of the evidence established that there were options available to the officer other than those he chose, and that his decision to spray the complainant and to employ the language he employed was unnecessary and uncivil. The allegation, therefore, is sustained.

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

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

FINDINGS OF FACT: The complainant stated that an item of his personal property was missing when he was released from custody. The officer serving as Station Keeper, whose responsibility it was to book and release property, stated that he did not want to deal with the complainant and asked other officers to book and release him. The Station Keeper stated that he did not know whether these officers properly inventoried the complainant's property or had him sign for it when it was received or released. He stated that he did not check to see whether or not it was properly done. The investigation established that the paperwork was not done, and the other officers were not aware they were to do it. SFPD rules are clear on what needs to be done to safeguard prisoner property and are clear that the Station Keeper is responsible. Because no property paperwork was discovered, there was no way to assess whether or not SFPD was responsible for the complainant's missing property. The Station Keeper had the duty to make sure the property was properly processed, whether he did it himself or not. The allegation is, therefore, sustained.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT The complainant stated that he witnessed the officers use unnecessary force to arrest a man. The arrestee stated the officers used unnecessary force. Two witnesses reported that the officers on the scene used unnecessary force. Two witnesses at the scene stated they saw no unnecessary force. The named officer denied the allegation. Other officers on the scene denied the allegation. The suspect admitted to some resistance. There is insufficient evidence to establish the force necessary to arrest the suspect.

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

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

FINDINGS OF FACT: The complainant stated officers at the scene failed to take action to stop other officer(s) from using unnecessary force. The evidence is inconclusive as to whether or not unnecessary force was used and therefore whether officers had a duty to intervene.

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SUMMARY OF ALLEGATION #4: The officer made inappropriate comments and/or exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officers ordered the suspect to stop resisting, but the suspect was not resisting. All the officers on scene denied the allegation. The suspect admitted to some resistance. Two other witnesses said the suspect violently resisted. The preponderance of the evidence supports the officers' comments and behavior.

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

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

FINDINGS OF FACT: The complainant stated that, when he called the station to report what he saw, the officer asked him inappropriate questions and ignored his concerns. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer at the station failed to take action on the complainant's report. The officer denied the allegation. 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 ALLEGATION #1: The officer used inappropriate comments and behavior.

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

FINDINGS OF FACT: The complainant stated the officer was angry, yelling, and intimidating at the scene. The officer stated he was not angry, yelling, and intimidating. The officer stated he introduced himself to the complainant. The officer stated he was trying to clarify what occurred in the traffic accident. The witnesses stated the complainant and the officer were both yelling and debated on what had occurred. Another witness could not make out what was said between the officer and the complainant. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer drove his vehicle improperly.

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

FINDINGS OF FACT: The complainant stated the officer drove his personal vehicle into him while he was riding his bicycle into a right hand turn. The complainant admitted he was leaning on the officer's vehicle to avoid being pushed into the sidewalk. The witness observed the complainant ride his bicycle to the officer's vehicle and struck, the vehicle with his hand. The witness stated he did not see the impact between the vehicle and the complainant. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer threatened to arrest the complainant.

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

FINDINGS OF FACT: The complainant stated the officer threatened to arrest him at the scene when he was confronted about the traffic accident. The officer stated he advised the complainant if his vehicle is intentionally struck it would constitute a crime. The witnesses did not hear the officer making any threats toward the complainant. 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 detained the complainant's daughter without justification.

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

FINDINGS OF FACT: The officer stated that the complainant's daughter was detained during an investigation upon an allegation that she may have helped hide a replica B.B. gun that another student brought to school. Per W&I Code section 625, the officer had the authority to detain the child to investigate. The evidence proved that the act, which provided the basis for the allegation, occurred; and, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer questioned the complainant's daughter without parental consent.

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

FINDINGS OF FACT: The officer stated she had no obligation to obtain the parent's consent before questioning the complainant's daughter. The SFUSD parent-student handbook states that parents must be given reasonable opportunity to come to the school and be present during police interrogation. In January 2005 the OCC and the Youth Commission negotiated with the Department to substantially revise DGO 7.01 (juvenile policies and procedures) and to include parental notification and parental presence during interrogations of juveniles. Several other law enforcement jurisdictions provide these protections to juveniles. In light of the school district's parent-student handbook that provides for parental notification and presence during interrogations and the Department's agreement to substantially revise DGO 7.01 to include parental notification and presence during interrogations of juveniles, the failure to obtain parental consent in the instant case is a result of policy failure.

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SUMMARY OF ALLEGATION #3: The officer failed to seek and obtain a translator.

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

FINDINGS OF FACT: The preponderance of the evidence established that in order to protect the 11-year old child's due process rights and to accurately investigate the child's conduct, the officer needed to obtain an interpreter to enable the child to understand her Miranda rights and to make an informed decision as to whether or not she would invoke them.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was driving a stolen vehicle with a suspended driver's license and an outstanding felony parole warrant. The complainant drove this vehicle from the passenger seat against the will of the temporary driver and prompted a vehicle pursuit until he fled on foot and was eventually apprehended several blocks away. The officers relied on sound probable cause to arrest the complainant. Their actions were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3: The officer made a threatening and inappropriate remark.

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

FINDINGS OF FACT: The complainant stated that the officer threatened to drop him in a rival gang territory as he was being transported from the hospital to the police station. The officer and his partner denied the allegation and transporting the complainant from the hospital to the station. Other officers could not recall who transported the complainant. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4: The officer used unnecessary force during the arrest of the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer punched and struck him with a hard object probably his service firearm after he surrendered himself causing a facial laceration. The officer and three other arresting officers denied the allegation and stated that the complainant resisted his arrest in a dark area behind tall and thick bushes, which may have caused the laceration or that the complainant may have sustained the injury at any time from the vehicle pursuit up to the time he was found hiding. There was no witness who could prove or disprove the allegation, and there were conflicting entries in the medical records as to the cause of the laceration. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5-8: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The officers stated that they responded to a noise complaint, found the door open, and an officer recognized it was the resident of the complainant, who was on felony probation at the time. The complainant's mother denied the door was open, stated the complainant was in custody. OCC attempts to contact a witness currently out the country were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #9: The officers displayed their firearms without justification.

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

FINDINGS OF FACT: The officers denied the allegation and there was no other witness currently available to verify or deny the allegation. Moreover, the complainant's mother could not identify any of the four officers inside her residence. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #10-11: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated that unknown officers responded to his mother's residence and searched his bedroom after entering with his keys. The responding officers denied entering with any key, said the front door was open when they responded to a noise complaint, that nobody responded to their announcement. The officers also stated that they entered knowing it was the residence of someone with gang affiliation and on felony probation, but without knowledge that the complainant was in custody at the time. Given the circumstances in which the officers found themselves inside this residence, it was proper not to rely on the mother's assertion and proceed with the probation search of the complainant's bedroom.

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SUMMARY OF ALLEGATION #1: The officer used a sexual slur toward the complainant.

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

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

SUMMARY OF ALLEGATIONS 2 through 4: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant denied committing the act for which she was charged. The officer that on-viewed the complainant's conduct confirmed his observations of the complainant's unlawful conduct. The other named officers relied on the on-view officers statement to place the complainant under arrest. Two of the named officers and witness officers verified that suspected narcotics were removed from the complainant inside a room at the station. Narcotics analysis report documents that alleged suspected narcotics removed from the complainant was an illegal substance. There is sufficient independent evidence to corroborate the statements of the named members.

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

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

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

SUMMARY OF ALLEGATIONS #6 through 8: The officers used unnecessary force against the complainant.

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

FINDINGS OF FACT: The officers denied the allegation. Witness officers denied observing the named members use any unnecessary force. There were no other available witnesses. No other officer was specifically identified as having used unnecessary force. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #9 and 10: The officer's stripped search the complainant without cause.

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

FINDINGS OF FACT: The complainant denied committing the act for which she was charged. The officer that on-viewed the complainant's conduct confirmed his observations of the complainant's unlawful conduct. The other named officer relied on the on-view officer's statement to authorize the strip search of the complainant. Several other officers said they witnessed an officer remove suspected narcotics from the complainant inside a room at the station. A narcotics analysis report documents that the alleged suspected narcotics removed from the person of the complainant at the station was an illegal substance. There is sufficient independent evidence to have authorized the named members to take the action they did.

SUMMARY OF ALLEGATIONS #11 and 12: The officers failed to follow proper strip search procedures.

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

FINDINGS OF FACT: The named officer denied the allegation. Other officers at the scene corroborated the statement of the named member. A key witness officer is no longer available. No other officer was specifically identified as having been neglectful of their duty. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The evidence established that officers involved in documenting two reports and reviewing the incidents reports acted within department policy. This precluded the assignment of either case for investigation for failing to meet the minimum criteria. Therefore, the actions of multiple officers were proper, lawful, and limited based on departmental rules and criteria.

SUMMARY OF ALLEGATION #2: The officer failed to take a police report.

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

FINDINGS OF FACT: Two complainants stated that an unidentified station officer failed to take an Incident Report at the window, but both complainants did not make themselves available in an effort to positively identify the officer in question. There is insufficient evidence to either prove or disprove the allegation against a particular officer.

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SUMMARY OF ALLEGATION #3: The officer failed to inform the complainants of the case closure.

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

FINDINGS OF FACT: The complainants' cases were assigned to both fraud and auto detail. Throughout their contact with SFPD the complainants were given the impression that their case would be investigated and that they would be informed of the investigation's result, including case closure. After their initial reporting to SFPD, the complainants never heard from SFPD as to the status of their case. OCC investigation revealed that neither auto detail nor fraud conducted an investigation in this case because the case did not meet the minimum criteria. (Auto detail requires in these cases, a felony arrest or a loss exceeding \$25,000 in auto burglary loss; Fraud detail requires a minimum loss of \$1,000 for thefts by trick and device or false pretenses). OCC recommends that either the public be informed of each investigative unit's minimum criteria for assignment and notification or that the Department adopt a system to inform individuals of their case outcome. The OCC will contact other law enforcement agencies in comparable cities to determine best practices, especially concerning fraud and auto detail investigations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated she was waiting in front of the restaurant for a friend who was going to give her food. The officers detained her and stated because she was looking up and down the street, wearing a black trench and platform shoes in that location is indicative of either prostitution or drug activity. The officers were not able to articulate any intent on the part of the complainant to induce, entice, or solicit, or procure another to commit prostitution per PC 653.22. The officers were not able to articulate any intent on the part of the complainant to engage in drug-related activity per PC 11532 (b) especially because she was by herself. The officers violated DGO 5.03 Investigative Detention A. & B. The available evidence indicates that the complainant was not actively engaged in any criminal activity when she was contacted.

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

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

FINDINGS OF FACT: The complainant said she was not doing anything wrong when the officers stopped and arrested her. The officers stated that the complainant was under arrest the minute she ran after they had asked for identification. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she was tackled by the officer causing her face injuries. The officer denied using force. He stated the complainant fell, lost her own balance and then once on the ground he attempted to take her into custody by using a twist lock to handcuff her. The complainant did state that she was wearing slippery shoes. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he was the passenger and the unlicensed driver drove the vehicle against a curb, and blew up a tire. The preponderance of the evidence established that the officer was alone in a dark dead end street when he effected the traffic stop simultaneously or about the time the driver pulled onto the dead end street. The officer waited until he could have the assistance of one or more Spanish speaking officers who helped to establish that the driver was unlicensed. However, the officer also exercised his discretion not to arrest the driver or tow the vehicle, and merely advise the driver before releasing the vehicle to the owner, the complainant, who had a valid driver's license.

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

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

FINDINGS OF FACT: The officers denied the allegation. A witness on scene denied the vehicle and the trunk were searched during this incident. OCC attempts to locate another witness on scene was unsuccessful. The preponderance of the evidence proves that the act alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant and a passenger witness stated that the driver was handcuffed, but neither one could identify the handcuffing officer. All officers and supervisor questioned denied the allegation. OCC multiple attempts to locate the driver were unsuccessful. There is conflicting and insufficient evidence to prove or disprove the allegation against a particular officer.

SUMMARY OF ALLEGATION #4: The officer questioned the driver in violation of DGO 5.15.

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

FINDINGS OF FACT: The complainant stated that an officer, whom he was unable to identify, questioned the driver about his nationality in Spanish when the driver could not produce any driver's license. A witness on scene could not hear the conversation in Spanish between the driver and an officer, whom he could not identify either. OCC multiple attempts to locate the driver were unsuccessful. All officers questioned, who could attest to a conversation in Spanish, denied the allegation. There is insufficient evidence to either prove or disprove the allegation against any particular officer.

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

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

FINDINGS OF FACT: The complainant alone stated that an unidentified officer made a sexually derogatory comment to the driver. A witness on scene and numerous other officers on scene, who do not speak or understand Spanish, could not verify or deny the allegation. OCC attempts to locate the driver were unsuccessful. The Spanish-speaking officers questioned denied the allegation. There is insufficient evidence to either prove or disprove the allegation against a particular officer.

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

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

FINDINGS OF FACT: The complainant said unidentified officers took property from him, the driver, and the passenger without accounting the items. The passenger said an unidentified officer took property from him, but could not verify or deny about the property allegedly taken from others. OCC attempts to locate the driver were unsuccessful. All officers questioned denied the allegation. There is insufficient evidence to either prove or disprove the allegation against a particular officer.

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

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments to him. The officer denied making the comments. No witnesses to the alleged remarks were located. The complainant stated that the officer inappropriately inserted himself into a civil custody matter and telephoned the complainant in an attempt to set up a meeting that had no policing purpose. The officer stated that, out of concern for the well being of the child, the complainant and the child's mother had together, he did offer to help the parties meet and talk. No policy or regulation was discovered that prevented the officer from offering to help. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer misused his police authority.

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

FINDINGS OF FACT: The complainant stated that the officer, without authority, tried to make the complainant meet with his child's mother to discuss the custody of their child. The officer stated that his duty as a police officer permitted him to help the parties as he did. The officer denied that he exceeded the scope of his authority by trying to compel the complainant to meet or take any action. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to take an Incident Report.

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

FINDINGS OF FACT: The complainant stated that the officer refused to make an Incident Report when he came to the station. The officer stated that the complainant talked to her about getting a copy of a report from another incident and did not ask to make a new report. The officer stated that it was difficult to determine exactly what help the complainant was seeking. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to accept an OCC complaint.

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

FINDINGS OF FACT: The complainant stated that the officer he complained to about another officer's action, failed to inform the complainant of his right to make an OCC complaint or offer to receive a complaint. The complainant stated that the named officer told him the behavior he complained of was inappropriate and promised to speak to the officer about it. The named officer denied that she made the comment in the context described by the complainant or that the complainant expressed a desire to make a complaint about the officer. She stated that the complainant asked for her assistance in filing a police report and also wanted a copy of the report of a prior incident, and she said that she assisted in these matters. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #2: The officer was inattentive to his assigned duties.

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

FINDINGS OF FACT: The complainant's allegations against the officer suggested that the officer's involvement in the complainant's civil matters inappropriately prevented the officer from carrying out his regular duties. The investigation established that the officer was assigned to special duty at the station and, as such, was not confined to the regulations governing patrol officers. The description of the officer's assignment provided by the Department was insufficiently detailed to establish the scope of his duties or whether they were completed. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer is harassing the complainant.

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

FINDINGS OF FACT: The complainant did not specifically identify any officer by name. All questioned officers denied the allegation. There is insufficient evidence to identify an officer.

SUMMARY OF ALLEGATIONS #2 and 3: The officers behaved improperly.

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

FINDINGS OF FACT: The named member denied kicking the door saying that he only used his shoe to knock because his hands were full. All questioned officers denied committing the second alleged act. There is insufficient evidence to identify the unknown officer. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer failed to identify himself.

CATEGORY OF CONDUCT: ND **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 ALLEGATIONS #5 and 6: The officers displayed firearms without justification.

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

FINDINGS OF FACT: The named member said he had his gun out because he was in pursuit of a reported suspect with a gun. Other officers said they also responded to the area on the report of a suspect with a gun. The CAD documents the report of a 221, person with a gun. It was not unreasonable for officers to have their guns out under the circumstances.

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

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

FINDINGS OF FACT: The complainant was detained at gunpoint following the stop of his vehicle. The complainant stated that the officer ordered him out of the car and proned him on the ground. During the proning process, the complainant stated that the officer placed a knee in his back and on his neck, using unnecessary force. The officer denied the allegation, stating that no reportable use of force was utilized. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATIONS #2-3: 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 were not justified in detaining him at gunpoint, stating that the officers had stopped him, and already had his driver's license. The officers, who were assigned to foot patrol, agreed they already had the complainant's driver's license. However, they also stated that they had instructed the complainant to stop at a particular location where it was feasible for the complainant to stop. The complainant continued to drive westbound, first driving around a corner, headed southbound for a block and then eastbound, traveling several blocks out of the sight of officers. The officers were required to initiate a foot pursuit in order to stop the complainant. The officers' foot pursuit was documented in their transmissions to the Department of Emergency Communications prior to the complainant's detention at gunpoint. The initial traffic stop assumed a higher level of risk when the complainant failed to stop where initially directed. The detention at gunpoint was justified.

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SUMMARY OF ALLEGATIONS #1 and 2: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated he was assaulted, that the officers saw the assault, but failed to arrest the complainant's assailant. The officers stated they saw an altercation, but the complainant left the scene and the alleged assailant told them he acted in self-defense. When the complainant later called police, the officers took his statement. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

INDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated in his complaint form that the officer detained him in connection with a restraining order against someone other than the complainant. When contacted by OCC for an interview, the complainant recounted a different incident, then acknowledged that he was confusing the two incidents. The named officer stated that he responded to a report that the complainant was harassing and threatening a patron at a bar. When he arrived at the scene, witnesses confirmed that the complainant had been harassing and threatening the patron, and the complainant was yelling at the patron and acting in an aggressive manner. The officer's partner confirmed his account of the incident. Dispatch records indicate that the officers were summoned to a report that the complainant was threatening to kill someone and claimed to have a knife. The evidence established that the action complained of was proper.

SUMMARY OF ALLEGATION #2: The officer used racially derogatory language to the complainant.

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

FINDINGS OF FACT: The complainant stated in his complaint that the officer made racially derogatory comments. When contacted by OCC for an interview, the complainant provided a confused and contradictory account of this incident: he recounted a different incident, then acknowledged that he was confusing the two incidents. The complainant did not describe the officer making a racial derogatory comment in the incident he was complaining about. The complainant denied getting into an argument with anyone on the day of this incident. This was contradicted by dispatch records, which indicate that the officers were summoned to a report that the complainant was threatening to kill someone and claimed to have a knife. The named and witness officers denied that racially derogatory comments were made. A preponderance of the evidence proved that the act alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #3: The officer drew his firearm without justification.

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

FINDINGS OF FACT: The complainant stated in his complaint that the officer placed his firearm to the back of the complainant's neck after the complainant was handcuffed. The complainant subsequently provided a confused and contradictory account of this incident in which he confused this incident with another incident. The named and witness officers denied the allegation. A preponderance of the evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #4: The officer conducted a search beyond the scope of authority.

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

FINDINGS OF FACT: The complainant stated in his complaint that the officer placed his finger into the complainant's anal area. The complainant subsequently provided a confused and contradictory account of this incident, in which he confused this incident with another incident. The named officer and a witness officer denied the allegation. A preponderance of the evidence proved that the act alleged in the complaint did not occur.

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OCC ADDED ALLEGATIONS:

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

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

FINDINGS OF FACT: The evidence established that the complainant was detained and handcuffed. The complainant stated that he was not issued a Certificate of Release. The named officer stated that he completed a Certificate of Release, and forwarded the copy to the Department. The Department could not locate a copy of the Certificate of Release form. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer prevented her from leaving the area without reason, as was corroborated by her friend. The officer denied the allegation, stating he sought to detain and arrest the complainant based on his probable cause belief she possessed illegal narcotics, as was corroborated by other members of his unit. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-5: The officers displayed their weapons without justification.

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

FINDINGS OF FACT: The complainant stated the officers approached her with their guns drawn without reason, as was corroborated by her friend. The officers denied the allegation, stating they did not draw their weapons on this occasion. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6-9: The officers failed to identify themselves.

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

FINDINGS OF FACT: The complainant stated the officers approached her without identifying themselves, while her friend recalled the plainclothes officers approaching without their stars being displayed and without an announcement that they were police officers. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10-13: 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 though she had broken no laws, as corroborated by her friend. The officers denied the allegation, stating they observed the complainant in possession of illegal contraband, providing probable cause for the arrest. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #14-17: The officers used unnecessary force on complainant.

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

FINDINGS OF FACT: The complainant alleged the officers used unnecessary force on her during her arrest and post-arrest search, as was corroborated by her friend, as well as during her transport to the station and her in-custody status and strip search at the station. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #18: The officer used unnecessary force on complainant's friend.

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

FINDINGS OF FACT: The complainant stated the officer shoved her friend to the ground without reason. The officer denied the allegation, as neither he nor other members of his unit recalled another person being present at the time of the complainant's arrest. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #19-20: The officers planted narcotics on the complainant.

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

FINDINGS OF FACT: The complainant stated an arresting officer planted narcotics in her mouth and, subsequently during a strip search, a female officer planted illegal contraband on her person. The arresting officer denied the allegation. The complainant was unable to identify the female officer involved in this allegation. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #21-26: The officers made sexually derogatory comments.

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

FINDINGS OF FACT: The complainant stated the officers called her sexually derogatory names, as was corroborated by her friend. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #27-30: The officers made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant stated the officers called her racially derogatory names, as was corroborated by her friend. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #31-34: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated the officers used profanity when addressing her, as was corroborated by her friend. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #35-36: The officers conducted or requested an improper strip search.

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

FINDINGS OF FACT: The complainant stated the officers conducted an improper post-arrest search at the scene and strip search at the station. The arresting officer denied his conducting an improper post-arrest search, as was corroborated by other members of his unit. The officer requesting a strip search at the station did so based upon his observing the complainant conceal illegal contraband in her mouth; a fact disputed by the complainant. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #37-39: The officers conducted an improper body cavity search.

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

FINDINGS OF FACT: The complainant stated the officers conducted an unwarranted anal and vaginal probe. The officers denied the allegation, stating they conducted an authorized strip search, adhering to California Penal Code §4030. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named and one witness officer did not recall the named officer threatening the complainant. A witness provided a contradictory account of the facts surrounding the incident; the amount of drinking he and the complainant had done, and stated that he was not present for the entire conversation between the complainant and the officers. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2, 3: The officers failed to properly investigate an incident.

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

FINDINGS OF FACT: The complainant stated the officers asked no questions, but also stated that the officers asked him about the incident he reported. The named officers said they did not recall the incident and the conversation with the complainant. A witness said the officers asked about the incident, however, it is unclear how extensive the officers' investigation was, as the witness stated he was not present for the entire incident. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that the named officer told him he did not care. The named officer denied the allegation, but said he had no recollection of the incident. A witness officer said she did not know if the named officer made the comment. A witness stated that he was not present for the entire conversation. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5, 6: The officers failed to provide medical attention.

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

FINDINGS OF FACT: The named officers denied the allegation, one stating that he asked the complainant if he needed an ambulance and the complainant refused. A witness stated that he was not present for the entire conversation. An audio record of the incident indicated that the complainant declined a dispatcher's offer of an ambulance. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7, 8: The officers failed to take an Incident Report.

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

FINDINGS OF FACT: The named officers denied the allegation, with one saying he did not recall the incident, and the other stating that the complainant made no sense and the officers could not understand what he was alleging. A witness stated that he did not hear the complainant ask for a report, but said he was not present for the complainant's entire conversation with the officers. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS :

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation. No civilian witnesses came forward despite OCC attempt to interview them. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged the officer ordered him to the ground without reason. The officer stated he observed the complainant commit an assault and battery that was corroborated by statements from several victims and witnesses. As the San Francisco Police Department Academy instructs its officers to position a suspect commensurate to the risk to officer safety and/or the flight of a suspect, the facts of this case support the officer's ordering the complainant to the ground as a lawful, justified and proper order.

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

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

FINDINGS OF FACT: The complainant alleged the officer acted like "John Wayne," taking immediate police action without hearing the complainant's version of what occurred. The officer denied the allegation, stating he observed the complainant commit a violent act (i.e., assault and battery), as corroborated by several victims and witnesses, and immediately sought to end the threat of physical violence by arresting the complainant. Witnesses corroborated the complainant's resistance to his arrest, which was a continuation of the physical violence the officer had observed. Thus, the officer was justified in effecting the lawful and proper arrest of the complainant.

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SUMMARY OF ALLEGATION #3-4: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant alleged the officers transporting him to county jail mocked him and laughed at him. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer struck him numerous times with a baton without reason, as was corroborated by two witnesses. The officer denied the allegation, stating he observed the complainant commit a violent act (i.e., assault and battery) and was himself attacked by the complainant, resulting in his reported use of force. The officers' actions were also corroborated by two witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he had not violated a stay away order and acted in self-defense when pushing away his domestic partner who had attacked him. The officer denied the allegation, noting there were several witnesses, including the first officer on scene, to the complainant's assault and battery on others. There is preponderance of evidence that the officers acted lawfully, justifiably, and properly in arresting the complainant.

SUMMARY OF ALLEGATION #7: The officer wrote an inaccurate police report.

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

FINDINGS OF FACT: The complainant stated that the Incident Report misrepresented the facts surrounding his arrest. The officer denied the allegation, stating his report developed from the statements of battery victims and witnesses to the incident as well as police officer observations. As the named officer was not reportedly on the scene when police officer(s) first encountered the complainant, and the named officer relied on the statements of percipient witnesses to prepare the report, this officer properly reported the incident in a lawful and justifiable manner.

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SUMMARY OF ALLEGATION #8: The officer(s) failed to intervene when the complainant was improperly treated by paramedics.

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

FINDINGS OF FACT: The complainant stated the paramedics administered to him improperly and laughed at him. When the complainant complained to the officers, the officers did nothing. The officers stated they were not cognizant of the paramedics' treatment of the complainant, as they were conducting their investigation of the crime scene (i.e., searching for witnesses, taking victim and witness statements). Further, there is no evidence of the paramedics' failure to properly treat the complainant. Department policy has its police officers defer to a paramedics' training to medically assess injuries and illnesses and provide emergency medical treatment. As such, the officers acted lawfully, justifiably and properly in not intervening with the paramedics' medical assessment of the complainant, as they had no duty to do so.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer threatened him. The officer denied the allegation. Two witnesses stated they did not hear the complainant's conversation with the officer. There is insufficient evidence to prove or disprove the allegation. Witness officers stated that they did not hear the alleged threats made by the named officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/31/05 **DATE OF COMPLETION:** 04/26/06 **PAGE # 1 of 3**

SUMMARY OF ALLEGATION #1: The officer displayed his firearm without justification:

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

FINDINGS OF FACT: The complainant stated that he was driving around out-of-town, looking for his sister, when the named officer, who was off duty and in civilian clothes, approached the complainant's vehicle with his gun drawn. The complainant stated that his former girlfriend is the daughter of the named officer's live-in girlfriend, and that the night before this incident, the officer's girlfriend encountered the complainant outside a motel where her daughter had been staying and summoned police. The named officer's girlfriend stated that the complainant had prostituted and given drugs to her daughter. She stated that when she encountered the complainant outside a motel where her daughter was staying the night before this incident, he threatened to kill her and claimed to know where she lived. A police report documented the encounter between the complainant and the officer's girlfriend the night before this incident, including the girlfriend's report that the complainant had threatened her and claimed to know where she and the named officer lived. The officer's girlfriend stated that as she and the named officer arrived home on the day of this incident, she saw the complainant's truck stopped in front of their home and told the named officer about the complainant's threat to kill her. The named officer stated that he had never met the complainant before this incident. The named officer stated that the night before this incident, his girlfriend told him that the complainant had stolen her daughter's purse, and that the purse contained the address of the home where the named officer lived. The officer's girlfriend also told him that the complainant had threatened to kill her. The named officer stated that he was off-duty and driving home with his girlfriend when they saw the complainant's truck driving up the suburban, dead-end street leading to their home, and that the complainant's vehicle stopped in front of their house. The named officer stated that he feared that the complainant was there to commit an act of violence, and that he therefore held his firearm at his side, pointed at the ground, and approached the complainant's vehicle while displaying his star. The complainant denied knowing where the named officer lived, and stated that he was merely driving around hoping to spot his sister. A witness who was in the complainant's vehicle stated that the complainant was upset about his former girlfriend taking his belongings, and that he was driving around looking for his sister, who had been with the girlfriend. The witness stated that as they were backing up a dead-end street, a car cut them off and the named officer exited his car and pointed a gun at the complainant. The witness contradicted the complainant on several points concerning their activities that day, and the complainant failed to clarify these discrepancies. A second witness who was in the complainant's vehicle could not be contacted. A visit to the location of this incident revealed that it is a winding, dead-end suburban street with only one means of access and egress, that it is entirely residential, with no commercial buildings, and virtually no pedestrian traffic. It did not appear to be a street that someone would drive down accidentally, or while hoping to spot an individual walking on the street. The evidence established that the named officer received what he believed to be a credible report that the complainant had threatened him and his live-in girlfriend, and that the following day, he saw the complainant in front of his home, on a dead-end residential street. Given the totality of the circumstances, the officer was justified in perceiving a possible threat to him and his family, and was justified in drawing his firearm as he approached the complainant's vehicle to investigate.

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SUMMARY OF ALLEGATION #2: The officer pointed his firearm at the complainant without justification

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

FINDINGS OF FACT: The complainant stated that the off-duty officer identified himself as a San Francisco police officer and pointed his firearm at him. The officer stated that he drew his firearm and kept it pointed down and at his side as he approached the complainant's vehicle. A witness in the complainant's car stated that the officer pointed his firearm at the complainant. A witness in the officer's car stated that he did not point his firearm at the complainant. Significant questions exist about the reliability of certain components of the complainant's account of this incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer chased the complainant at high speeds.

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

FINDINGS OF FACT: The complainant stated that the off-duty officer identified himself as a San Francisco police officer and chased him at high speeds significantly above the speed limit. The officer stated that he drove slightly above the speed limit, and chased the complainant only so that he could have the complainant stopped and contacted by police because he feared that the complainant had come to his home to harm him or his girlfriend. The evidence established that the named officer received what he believed to be a credible report that the complainant had threatened him and his live-in girlfriend, and that the following day, he saw the complainant in front of his home, on a dead-end residential street. Police agency records establish that as the named officer was pursuing the complainant, he was calling the police to have uniformed officers stop and investigate the complainant. A search of the complainant's car revealed a holster for a handgun, but no weapons. Significant questions exist about the reliability of certain components of the complainant's account of this incident. There is insufficient evidence to prove or disprove whether the named officer was justified in pursuing the complainant at speeds in excess of the speed limit.

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SUMMARY OF ALLEGATION #4: The officer used profanity

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

FINDINGS OF FACT: The complainant stated that the off-duty officer identified himself as a San Francisco police officer and used profanity. The named officer denied the allegation. A civilian witness in the officer's car denied that he used profanity. A civilian witness in the complainant's car stated that the officer used profanity. Significant questions exist about the reliability of certain components of the complainant's account of this incident. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer responded to a dispatch call of a person with a gun. The officer detained the complainant after the complainant confirmed his identification. Detaining the complainant was reasonable under these circumstances.

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

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

FINDINGS OF FACT: The officer denied the complainant was ever under arrest. The complainant said that the officer told him that he was under arrest. There were no witnesses to this verbal exchange. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer responded to a dispatch call of a person with a gun. The officer handcuffed the complainant pursuant to his investigation. Handcuffing the complainant under these circumstances was reasonable.

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

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

FINDINGS OF FACT The officer denied the allegation. Other officers at the scene denied witnessing the alleged conduct. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said that his permission to search his vehicle was obtained by coercion. The officers denied using coercion. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7- 9: The officers treated the complainant in a disparate manner based on his race.

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

FINDINGS OF FACT: The officers denied the allegation. No other officer was identified as having had contact with the complainant. One officer was unavailable. There is insufficient evidence to identify a third officer and to reach a definitive finding to this allegation.

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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 named officer, two other officers on scene, and the mother of the juvenile suspect stated that the gun in question was a toy and that an accident occurred while two children were playing and that neither juvenile sustained any injury. The officers also stated that the mother of the juvenile victim was advised to follow up with Juvenile Division, if she so desired. An Incident Report was generated for this incident. The mother of the victim refused to cooperate with the investigation. The preponderance of the evidence established that the officer's actions were lawful and proper.

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

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

FINDINGS OF FACT: The named officer, two other officers on scene, and the mother of the juvenile suspect, stated that the officers interviewed all parties involved, tested the toy gun and found it incapable of causing an injury, seized the toy, and determined that there was no crime since the accidental shooting while playing among youth neighbors resulted in no injury and could not have caused an injury. The preponderance of the evidence established that the reported act was properly investigated, determined not to be a crime, and documented according to department guidelines. The officer's actions were lawful and proper.

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SUMMARY OF ALLEGATION #3: The officer made a selective enforcement.

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

FINDINGS OF FACT: The named officer, two other officers on scene, and the mother of the juvenile suspect denied the allegation and stated that race played no part in the officer's decision not to make an arrest. The evidence established that the gun in question was a toy incapable of causing injuries, that the victim sustained no injuries, and that the incident stemmed from youths playing with a plastic toy. Therefore, the evidence negated the complainant's assertions that the officer's decision was motivated by the race of the parties involved and the alleged act of selective enforcement did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer shot a dog without cause.

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

FINDINGS OF FACT: The complainant read about this shooting in the newspaper. The named officer stated officers were investigating a report of trespassing inside a residence when a large pit-bull suddenly lunged at another officer, growling and showing its teeth. The dog continued to advance upon the retreating officer and another officer standing directly behind him. The officer who was directly threatened by the dog stated that he yelled at the occupants of the residence to get their dog but they remained seated on the couch. Another officer, who was outside, stated she heard officers yell, "Get your dog!" several times. The two officers who were threatened by the dog stated that they would have been seriously wounded or killed by the dog if the named officer had not acted to stop it. There were no other available witnesses.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers stated that they arrested the complainant for possession of narcotics with the intent to sell. The complainant alleged that the officers arrested him without cause. The co-complainant did not provide a statement to the Office of Citizen Complaints. There were no known witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer was disrespectful because he did not listen to the complainant during a tow hearing and made conclusions that were legally incorrect. The officer stated that the complainant incorrectly believed that, as a visiting foreign student he was not a California resident and did not need to apply for a California driver's license. Under the officer's proper interpretation of the California Vehicle Code, the complainant was a California resident and did need to apply for a California driver's license. A witness officer identified by the complainant stated that she did not recall this hearing and stated that the member always conducts hearings in a very professional manner. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: This allegation is not under the jurisdiction of the San Francisco Police Department, and was forwarded to the referral agency for investigation.

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

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

FINDINGS OF FACT: This allegation is not under the jurisdiction of the San Francisco Police Department, and was forwarded to the referral agency for investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation was successfully conducted on March 23, 2006.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation was successfully conducted on March 23, 2006.

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SUMMARY OF ALLEGATION #3: The officer failed to identify himself.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation was successfully conducted on March 23, 2006.

SUMMARY OF ALLEGATION #4: The officer engaged in unlawful enforcement activity.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation was successfully conducted on March 23, 2006.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation resolved this complaint on April 17, 2006.

SUMMARY OF ALLEGATION #3-4: The officers engaged in selective enforcement of the law.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation resolved this complaint on April 17, 2006.

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SUMMARY OF ALLEGATION #5-6: The officers searched the complainant without justification.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation resolved this complaint on April 17, 2006.

SUMMARY OF ALLEGATION #7-8: The officers pushed the complainant against a wall.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation resolved this complaint on April 17, 2006.

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SUMMARY OF ALLEGATION #9-10: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation resolved this complaint on April 17, 2006.

SUMMARY OF ALLEGATION #11-12: The officers used profanity.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation resolved this complaint on April 17, 2006.

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SUMMARY OF ALLEGATION #13-14: The officers made derogatory remarks.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation resolved this complaint on April 17, 2006.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to receive a citizen's arrest.

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

FINDINGS OF FACT: The complainant stated that the officer failed to accept his request to make a citizen's arrest. The officer stated that the complainant failed to cooperate with him and did not follow through on the request for a citizen's arrest after the officer advised the complainant that he would accept the citizen's arrest but that the arrested person would be released at the scene. There were no independent witnesses to this incident or conversation. Witnesses who did come forward did not hear the above statements and had differing accounts as to what occurred at the scene and the timing of what occurred at the scene. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer ordered he and his co-workers to leave the scene. The officer stated that he advised the complainant to leave the area so that no one could be injured. There were no corroborating statements to either party as to what was said and there were no independent witnesses who came forward. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3: The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The complainant stated that the officer was dismissive of him at the station. The complainant's co-workers stated that the officer would not listen to them and thought the officer rude when he at first did not shake hands with one of them. The officer stated that the contact was brief, that he explained that an Incident Report was written and offered the complainant the Incident Report number. The officer also stated that he told the complainant that we discussed this already and that he was going with what the subordinate officer told him. There were no independent witnesses to the contact. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4: The officer failed to take an OCC complaint

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

FINDINGS OF FACT: The complainant and his co-workers gave differing versions of what occurred at the station. The officer denied that the complainant or his co-workers requested a complaint be made and added that the complainant's group left the station before any action could be taken. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegation.

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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 stated she felt the officer used unnecessary force when the officer handcuffed the suspect. One witness stated the officer did not use unnecessary force. A second witness stated the officer was aggressive, but suggested the force used may have been necessary to handcuff the 6'3 suspect. A third witness stated that the officer was firm and authoritative, but was not aggressive or abusive. The officer stated there was minimal resistance from the suspect. The officer further stated that he used minimal force to handcuff the suspect. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer stated that he cited the complainant for failing to yield to a pedestrian in a crosswalk. The pedestrian was actually a superior officer acting as a decoy in a pedestrian enforcement assignment. The complainant stated that the pedestrian was a “crazy man” who waved his arms at her. She stated that she swerved to drive around him. The complainant also stated that this would not have occurred if she had not been distracted by the flashing lights of nearby parking control officer’s vehicle. The officer properly cited the complainant for violating California Vehicle Code §21950.

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 that the officer failed to properly investigate the fraudulent use of his credit card in another State. The officer stated he spoke with the complainant several times and informed that Department General Orders does not allow the taking of misdemeanor reports from other jurisdictions. The officer stated he advised the complainant to file a report in the proper jurisdiction. The officer further stated that he also had Teleserve file a fraud report for the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officer denied behaving inappropriately and making inappropriate comments. The officer stated that the complainant called her office over twenty times asking for a copy of his police report. The officer stated that the complainant screamed and ranted and raved every time he called, tying up the voicemail system. The officer stated that she did everything she could to assist the complainant. There were no available witnesses. There was no additional evidence to further prove or disprove this allegation.

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SUMMARY OF ALLEGATION #3: The division failed to dispatch an officer.

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

FINDINGS OF FACT: This allegation is outside the jurisdiction of the San Francisco Police Department and was forwarded to the Emergency Communications Division for their investigation.

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: According to the complainant, during a demonstration, she was pulled out onto the street and arrested for no apparent reason. The named member stated that the complainant was attempting to cross the skirmish line setup by the police and she refused his orders to get back to the sidewalk. Two witnesses identified by the complainant stated that they only saw the later stage of the complainant's arrest. The Office of Citizen Complaints obtained photographs of the event from an independent photographer, however they did not capture the initial interaction between the officer and the complainant that led to her arrest. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: One of the officers involved in the complainant's arrest stated that he handcuffed her to complete the citation process because the complainant was "combative, aggressive and uncooperative." This named member could not identify the second officer who assisted him with the complainant's handcuffing. The evidence obtained by the Office of Citizen Complaints was inconclusive to determine whether the arresting officer had probable cause to take the complainant into custody. The evidence was insufficient to either prove or disprove the allegation as well as to identify and question the second officer involved in the complainant's handcuffing.

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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 named member denied making the alleged comments. There were no identifiable witnesses to this part of the incident. The available evidence was insufficient either to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5-6: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated that two officers twisted her arms during and after handcuffing and applied excessively tight handcuffs. One of the arresting officers stated that he used control holds to put the complainant's arm behind her back in order to handcuff her and applied bent wrist hold to walk the complainant off the street because she refused his orders to do it willingly. According to this officer, the complainant was "combative, aggressive and uncooperative" and he handcuffed her "only as tightly as to keep her restrained." Two witnesses identified by the complainant stated that the officers' use of force "seemed excessive." The photographs of the complainant's arrest made by an independent photographer showed that the complainant actively and physically resisted the officers' attempts to take her into custody. The photographic images were however inconclusive to determine whether the applied control holds were excessive under the circumstances. The available evidence was insufficient to either prove or disprove the allegation as well as to identify and question the second officer involved in the complainant's arrest.

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SUMMARY OF ALLEGATION #7: The officer made inappropriate comments and threats at the station.

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

FINDINGS OF FACT: The complainant could not provide sufficient description of the member who engaged in the alleged misconduct. The arresting officer, the station keeper and the station duty officer denied making the alleged comments or hearing such from anyone else at the station. The available evidence was insufficient to either prove or disprove the allegation as well as to identify and question the involved member.

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

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

FINDINGS OF FACT: The complainant stated that she asked numerous officers at the station to use the restroom before the access was provided. The complainant could not provide sufficient description of the officers at whom she directed her requests. The arresting officer, as well as the station keeper and the station duty officer stated that they did not hear any such requests from the complainant. The available evidence was insufficient to either prove or disprove the allegation or to identify and question the officer who engaged in the alleged misconduct.

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SUMMARY OF ALLEGATION #1: The officer failed to receive a citizen's arrest.

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

FINDINGS OF FACT: The officer acted lawfully and properly under DB 02-226 and current state law by taking a child abuse report at a station duty assignment when the suspect was not in custody, and the officer had no probable cause to believe that a crime was actually committed unless further investigation was conducted.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: