

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/09 **DATE OF COMPLETION:** 06/02/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION 1: The officer failed to properly operate a motor vehicle.

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

FINDINGS OF FACT: The complainant stated she was crossing the street. While the complainant was in the crosswalk, she noticed a San Francisco Police Department patrol vehicle at the corner waiting to make a right turn. The complainant stated the officer rolled his vehicle in the crosswalk while she was crossing the street. The complainant did not get any identifying factors from the officer. There were no independent witnesses to this incident. An officer poll was conducted at the local station and no officer could be identified as the officer mentioned in this incident. There was insufficient evidence to either prove, or disprove the allegation made in this complaint. The identity of the officer has not been determined.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant admitted parking his vehicle the wrong way on a residential street. After his vehicle was issued a parking citation for being parked more than eighteen inches from the curb, the complainant measured the distance from the street curb to the driver's side tires and found the distance to be approximately four inches from the street curb. Therefore, the complainant reasoned the issuance of the parking citation was unwarranted. However, the language in section 22502A of the California Vehicle Code states that the right hand wheels (or the passenger side wheels) shall be parked within eighteen inches of the right hand curb. Considering the fact the complainant was parked the wrong way and the fact the average vehicle's wheelbase is substantially more than eighteen inches in width, the officer issued a parking citation on the complainant's vehicle. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/28/09 **DATE OF COMPLETION:** 06/30/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The senior ranking officer overseeing community policing at the housing project denied the allegation. A witness corroborated the officer's statement. Records demonstrate that the police responded to the complainant's calls for service. The evidence proved that the required action complained of was taken.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he cited the complainant when she failed to yield the right of way to a pedestrian in a crosswalk, a violation of CVC 21950e. The officer stated that the San Francisco Police Department was conducting a pedestrian sting operation and that the pedestrian did not yield to a plainclothes San Francisco Police Department officer. No witnesses were identified by either the officer or the complainant. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. No witnesses were identified by either the officer or the complainant. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to take her OCC complaint. The officer denied the allegation. The officer authored the complaint form that was forwarded to the OCC. No witnesses came forward. The evidence proved that the acts alleged in the complaint did not occur, or that the named officer was not involved in the acts alleged.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was in his car, talking on his cell phone when three officers detained him. One officer stated as he passed the complainant in his patrol car, he saw the complainant rolling a marijuana or tobacco cigarette. This officer informed the two other officers in the vehicle of his observation. Those two officers confirmed this. The officers stated that, as they approached the complainant's vehicle, which had its windows rolled down, they smelled a strong odor of marijuana. The officers had reasonable suspicion to detain the complainant for an investigation. The officers' conduct was proper. The complainant acknowledged that he had marijuana in his possession.

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

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

FINDINGS OF FACT: The named officer and two other officers stated they smelled a strong odor of marijuana emanating from the complainant's vehicle. One of the officers stated he saw the complainant rolling what appeared to be a marijuana cigarette. After he exited his vehicle, the complainant stated the marijuana in his vehicle belonged to him. The officer had probable cause to search the complainant's vehicle.

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

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

FINDINGS OF FACT: During a search of the complainant's vehicle, an officer found among other items, over two ounces of marijuana packaged in several baggies, a digital scale, thirty-nine brownies containing marijuana and additional empty baggies. The complainant was arrested for possession of marijuana for sale. The complainant acknowledged that the marijuana belonged to him. He produced a medical marijuana card that was not issued by the State of California. He was arrested because the officers believed he was selling the marijuana and did not possess it for his sole use. The officers' conduct was proper.

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

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

FINDINGS OF FACT: The officer stated that he conducted a pat search of the complainant after the complainant was arrested for possession of marijuana for sale. The officer's conduct was proper.

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SUMMARY OF ALLEGATIONS #9-11: The officers towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: According to the officers the car was towed pursuant to a lawful arrest and because the area was unsafe to leave the car overnight. The testimony of the officers provides sufficient justification for the tow.

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

SUMMARY OF ALLEGATION #12: The officer made inappropriate comments.

FINDINGS OF FACT: The complainant stated that the officer made inappropriate statements to him while he was at the police station. The officer stated he did not have any contact with the complainant at the station. The two other arresting officers also stated they did not recall having contact with the complainant at the station. The booking officer stated she did not recall this incident. There was no additional evidence and no other available witnesses to further confirm or deny the allegation.

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SUMMARY OF ALLEGATIONS #13-15: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant, who is Hispanic, stated the officers detained him because of his race. The officers denied the allegation and stated that the area where the complainant was arrested is mostly Asian and Hispanic. They stated they had reasonable justification to detain the complainant. The evidence is insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was detained for driving without headlights. The complainant denied his headlights were off. The officers questioned the complainant's sobriety, so they administered field sobriety tests. The officers stated the complainant failed the field sobriety tests. The complainant's blood was drawn and tested for drugs and alcohol. The results of the blood draw were negative, indicating that the complainant was not under the influence of drugs or alcohol. There was insufficient evidence to further prove or disprove that the complainant's arrest was justified.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that two officers detained him. The officers stated that it was a consensual encounter rather than a detention because their interaction with the complainant was brief, and that they never left their police car and the complainant was never physically touched or restrained. In his Office of Citizen Complaints interview, the complainant, corroborated the key elements of his encounter with the officers, i.e. limited duration, absence of physical contact or restrains, his consensual furnishing of the date of birth. There were no other identifiable witnesses to the incident. The preponderance evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #3: The officer acted inappropriately and made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that the officer raised his voice during their interaction and said to the complainant: "I see you are back in business," implying that the complainant was "in business" of selling drugs. The complainant, who works for a medical marijuana dispensary, felt that this comment was inappropriate and not based on real facts. The named member denied raising his voice during the incident. The officer's partner supported this statement. The named member admitted making the alleged comment and acknowledged that he indeed implied that the complainant was involved in selling drugs (marijuana). The named member's partner did not recall the said comment. The named member asserted that he made this comment because, in his regular plainclothes assignment, he saw the complainant sell marijuana on multiple occasions and he once arrested the complainant on several narcotics possession and sales charges. The officer knew that later in court, the arrest charges were reduced to just one, to which the complainant pleaded guilty. The court records showed that the complainant was never convicted of "selling drugs" and that his arrest, mentioned by the named member, resulted in a guilty plea only to a "drug possession" infraction. There were no other identifiable witnesses to this police contact. The evidence showed that the alleged comment was indeed made, but that it did not rise to a level of misconduct. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officers detained the complainant for involuntary psychiatric evaluation without justification.

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

FINDINGS OF FACT: The complainant was detained by the San Francisco Police Department Psychiatric Evaluation Services Unit, where she had been under care for two days, the complainant filed this complaint alleging that the police had no right to subject her to involuntary psychiatric evaluation. In the related incident report, the named member articulated the rationale for the complainant's involuntary psychiatric detention based on clear signs of mental disorder and aggressive behavior exhibited by the complainant during the police contact. In her Office of Citizen Complaints interview, the complainant corroborated the key aspects of the incident and her behavior during the interview was clearly indicative of some serious mental disorder. She did not cooperate with the Office of Citizen Complaints investigation and did not respond to a request for her medical records relevant to the occurrence. Section 5150 of the Welfare & Institutions Code allows peace officers to take individuals to designated facilities for 72-hour treatment and evaluation, if those individuals, as a result of mental disorder, present danger to themselves or to others. A preponderance of the evidence showed that the named member properly detained the complainant for involuntary psychiatric evaluation pursuant to Welfare & Institutions Code section 5150.

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

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

FINDINGS OF FACT: The complainant stated that one of the officers involved in her detention "slammed" her against the patrol car and tackled her to the ground. The complainant could not provide any descriptive information regarding this officer. The complainant failed to cooperate with the Office of Citizen Complaints investigation and she did not respond to the letter requesting a release of her medical records relevant to the occurrence. The officers from the first unit at the scene of this incident denied using the alleged force against the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that a San Francisco Police Department officer parked his motorcycle in a bicycle lane in violation of the State law. The officer stated that he parked his motorcycle in the bicycle lane because he needed to keep it in close proximity and in clear sight to prevent possible theft or vandalism to the entrusted department property. According to the officer, the manner in which his motorcycle was parked did not impede the normal and reasonable passage of any bicyclist. California Code Section 21211 prohibits placement or parking of any objects or vehicles in designated bicycles lanes in the manner, which "impedes or blocks normal and reasonable movement of any bicyclist." The pictures of the officer's motorcycle taken by the complainant and provided to the Office of Citizen Complaints showed that the officer's motorcycle did not block the lane and provided sufficient passage room for a bicycle flow. The officer's actions were justified lawful and proper.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officer took his out of state driver's license and the complainant could not retrieve it. The officer stated he interviewed the complainant and the complainant admitted to being a resident of California and to being employed in the state. The officer stated the complainant admitted he had driven to Oregon to obtain an Oregon driver's license, because he could not obtain a California driver's license. The office verified through the California Department of Motor Vehicles that the complainant had been stopped twice by other law enforcement agencies and was previously cited for being an unlicensed driver. The officer stated the complainant was cited for being an unlicensed driver. The officer completed the police department's report for unlicensed driver and attached the out of state driver's license. The report was forwarded to the San Francisco Police Department traffic unit. The officer assigned to the department's traffic administration stated when an officer submits an unlicensed driver report with attached out of state driver's license, the unlicensed driver report and the driver's license are forwarded to the state's department of motor vehicle's issuance unit for fraud investigation. The officer stated the police department does not keep or maintain any control of out of state driver's licenses, which are forwarded to the state's department of motor vehicles. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-4: The officers failed to take required action.

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

FINDINGS OF FACT: The officers stated that the elements of the alleged crime were not present. The complainant signed a citizen's arrest form for the suspect and the suspect was released at the scene. Per DGO 5.04. the officers performed their duties, which included conducting an investigation, interviewing suspect and witness, writing a report, accepting a citizen's arrest, and releasing the suspect per 849(b)PC.

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

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

FINDINGS OF FACT: The officers' denied the allegation. The witnesses did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said that she and her daughter were shot at as they were walking towards their home. The complainant said the officers failed to investigate the incident. The officers denied the allegation. The witness' statement corroborated the officers' statements. The investigation determined that the officers investigated this incident per Department General Order 2.01 Rule 5. Performing Duties.

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

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

FINDINGS OF FACT: The complainant said the officers refused to give her a ride home and said they tried to minimize the incident. The officers denied the allegation. The witness did not observe this part of the incident. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 02/22/09 **DATE OF COMPLETION:** 06/26/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

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

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

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

FINDINGS OF FACT: The complainant stated he was driving the speed limit of 25 miles per hour when the officer stopped him and issued him a citation for driving 39 miles per hour. The officer stated he was assigned to a special traffic enforcement detail with a second officer who is trained in the use of hand held radar. The other officer told the named officer that he had the complainant on radar going 39 miles per hour. The named officer conducted a traffic stop on the complainant as he stated he also observed the complainant traveling at a high rate of speed. The second officer did not come to the scene of the traffic stop. The named officer stated the radar gun is digital and therefore there are no printouts of the complainant's speed. There were no other witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS # 1-2: The officers failed to conduct a proper investigation.

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

FINDINGS OF FACT: The officers denied the allegation. The officers stated they spoke to both parties and explained the applicable law to the complainant. These were the only two parties to the contact. The complainant believed that his DMV issued disabled placard permitted him to park his vehicle for free in a privately owned parking lot. The officers explained to the complainant that his beliefs were incorrect and that the placard allowed free parking in public lots, specific parking spaces and parking meters pursuant to California law. The preponderance of the evidence established the officers' actions were proper and lawful pursuant to Department policy and procedure.

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

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

FINDINGS OF FACT: The officer and her partner denied the allegation. Both officers stated they verbally provided the complainant their star numbers as requested. The witness officer stated she wrote the information for the complainant. The civilian witness stated he did not hear any verbal exchange between the officers and the complainant regarding their star numbers or names. The witness stated he "thought" an officer may have written something for the complainant but he was not positive. There is insufficient evidence to either prove or disprove the allegation

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SUMMARY OF ALLEGATION #4: The officers comments and behavior were inappropriate.

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

FINDINGS OF FACT: The complainant stated that after the contact was concluded, the officer approached him with her hand on her firearm and asked if he needed anything else. The complainant further stated the officer followed his vehicle for three blocks after the conclusion of the initial contact. The officer and her partner denied the allegation. The named officer stated she did not recall the route she drove following the initial contact with the complainant but stated she did not intentionally follow the complainant. Street maps show that the street the second contact occurred on is a one-way street, so the complainant and the officer would have traveled at least one block in the same direction because of the one-way street. The witness did not observe what occurred after the conclusion of the investigation. 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 behaved inappropriately

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

FINDINGS OF FACT: The complainant alleged that the officer acted inappropriately. The officer denied the allegation. No witnesses came forward. 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 failed to take the required action.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 11, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: Security officers at a shopping center summoned the officer. The officer was informed that the complainant was refusing to leave the private property and was argumentative. The security officers told the named officer they were prepared to sign a citizen's arrest if the complainant would not leave. The officer denied the allegation. The officer said the complainant left the private property without incident. The witness officer corroborated the named officer's account of the contact with the complainant. The security officer said the officer was fair and attentive to the complainant and did not mishandle the incident. The security officer said the complainant escalated the incident by yelling and talking loud. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer denied that he demanded the complainant to leave at once or he would be arrested for trespassing. However, the named officer said the security officers informed the complainant he would be arrested if he returned to the private property. The witness officer corroborated the named officer did not demand the complainant to leave. The security officer said the named officer told the complainant that when he is asked to leave he must comply or be in violation of trespassing. The security officer said the officer was fair and attentive to the complainant and did not mishandle the incident. The security officer said the complainant escalated the incident by yelling and talking loud. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

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SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to take required action in connection with a homicide investigation.

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

FINDINGS OF FACT:

The San Francisco Police Department Homicide Detail investigated a death in San Francisco. The complainant alleged in the complaint that the Department mishandled the investigation, failed to properly and thoroughly investigate the victim's death, and has failed to classify the victim's death as a homicide. The evidence did not establish misconduct, however, it established that several factors impeded the thoroughness and timeliness of the Department's investigation including:

- Allocation of staffing for homicide investigations.
- Capability to retrieve and examine data from cellular phones and computers.
- Resources to timely perform forensic analysis, particularly DNA testing, in homicide cases.
- Ineffective coordination and communication between units within the Department and another city agency involved in the investigation.
- Inadequate cataloguing and evaluation of existing Bureau and Unit Orders governing homicide investigations and a lack of awareness of and adherence to specific Orders.

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

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

FINDINGS OF FACT: The complaint was filed anonymously. The complainant did not provide contact information or any incident dates. The complaint cannot be investigated due to the lack of information provided by the complainant.

SUMMARY OF ALLEGATIONS #2: The officer made threatening and inappropriate comments.

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

FINDINGS OF FACT: The complaint was filed anonymously. The complainant did not provide contact information or any incident dates. The complaint cannot be investigated due to the lack of information provided by the complainant.

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

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

FINDINGS OF FACT: The complaint was filed anonymously. The complainant did not provide contact information or incident dates. The complaint cannot be investigated due to the lack of information provided by the complainant.

SUMMARY OF ALLEGATION #4: The officer harassed the complainant.

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

FINDINGS OF FACT: The complaint was filed anonymously. The complainant did not provide contact information or incident dates. The complaint cannot be investigated due to the lack of information provided by the complainant.

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SUMMARY OF ALLEGATIONS #1-2: The officers conducted a property search without cause.

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

FINDINGS OF FACT: The complainants stated that during a parole search of the residence the officers searched some parts of the house without legal authority. The named members stated that upon entry in the residence they conducted a protective sweep of the entire house but the actual search was limited only to the areas, to which the parolee (one of the complainants) had access. There were no other identifiable witnesses to this incident. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to tell him if the complainant filed a civil action and lost the action, that the court could fine or charge the complainant for the failed action. The complainant filed for a civil restraining order. The judge denied the order and assessed the complainant over \$2,000.00 in costs. The complainant feels the officer is responsible for paying the assessed costs because of the officer's failure to provide information to the complainant. The officer denied providing any legal advice other than explaining the complainant's options of seeking civil action and providing the complainant a California Superior Court issued informational package regarding restraining orders. There is no requirement that an officer explain to a person the ramifications of civil actions.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he interviewed two witnesses whose names were provided to him by the complainant. The officer stated those witnesses said the complainant was the instigator of the problems. The officer stated that after interviewing the witnesses, he concluded there was no corroboration to the complaint's incident. There was no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/09 **DATE OF COMPLETION:** 06/13/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers parked department motorcycles in a bicycle lane.

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

FINDINGS OF FACT: The complainant stated that San Francisco Police Department officers parked their motorcycles in a bicycle lane in violation of the State law. The officers stated that they parked their motorcycle in the bicycle lane because they needed to keep them in close proximity and in clear sight to prevent possible theft or vandalism to the entrusted Department property. According to the officers, the manner in which the motorcycles were parked did not impede the normal and reasonable passage of any bicyclist. California Code Section 21211 prohibits placement or parking of any objects or vehicles in designated bicycles lanes in the manner, which "impedes or blocks normal and reasonable movement of any bicyclist." The pictures of the officers' motorcycles taken by the complainant and provided to the Office of Citizen Complaints showed that the motorcycles did not block the lane and provided sufficient passage room for a bicycle flow. The officers' actions were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/09 **DATE OF COMPLETION** 06/20/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he went to the police station to file a police report about an alleged noise violation that took place the night before. The complainant stated the officer refused to listen to his concerns or prepare a police report. The officer stated she researched the incident and discovered that a patrol officer responded to the incident the night before. The officer also discovered there was a valid permit for amplified music the complainant was complaining about. The officer explained to the complainant that she had limited knowledge about permit laws and suggested he speak to the permit officer on the next business day. According to DGO 1.03 5(D) officers shall prepare police reports where a crime has occurred. There was no crime committed relating to this incident. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer was rude, derogatory, and condescending toward him. The officer denied the allegation and stated the complainant was rude, insulting, arrogant, and condescending toward her. The officer further claimed the complainant continued to be offensive and argumentative. A witness PSA stated the officers demeanor was calm and professional during this incident, but does admit to not hearing the entire conversation due to writing a report. There are no other witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/09 **DATE OF COMPLETION** 06/20/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity. The officer stated she does not recall that part of the conversation and she does not use profanity. A witness PSA stated he did not hear the officer use profanity during this incident. There are no other witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/09 **DATE OF COMPLETION:** 06/13/09 **PAGE # 1 of 2**

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

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

FINDINGS OF FACT: The complainant said the officer used inappropriate comments and behavior. The officer said he was out of town training. The evidence proved that the named member was not involved in the acts alleged.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant said the officer used profanity toward him. The officer said he was out of town training. The evidence proved that the named member was not involved in the acts alleged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/09 **DATE OF COMPLETION:** 06/13/09 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer detained him without justification. The officer said he was out of town training. The evidence proved that the named member was not involved in the acts alleged.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to follow Department General Order 5.08 I. C. - Traffic Enforcement.

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

FINDINGS OF FACT: The complainant stated a plain-clothes officer conducted a traffic stop on him in an unmarked police unit. The officer said he was out of town training. The evidence proved that the named member was not involved in the acts alleged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/09 **DATE OF COMPLETION:** 06/30/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer drove his motorcycle improperly.

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

FINDINGS OF FACT: The complainant alleged that the officer purposely rammed his motorcycle during a traffic stop. The named officer and another officer from another jurisdiction denied the allegation. No other witnesses came forward. The evidence proved that the act alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force by grabbing and slamming him onto the hood of a patrol car. The officer denied the allegation and stated that he only used enough force to guide the complainant towards the front of the patrol car. A witness officer from another jurisdiction corroborated the named officer's account of what happened. No other witnesses came forward. The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/09 **DATE OF COMPLETION:** 06/30/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged that the officer used profanity. An officer from another jurisdiction who pulled the complainant over said that the named officer and the complainant exchanged profanities during the contact. During his OCC interview, the named officer admitted using profanity to the complainant. A preponderance of evidence proved that the conduct complained of did occur. Using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant alleged that the officer rammed and damaged his motorcycle. The officer and another officer from another jurisdiction denied the allegation. No other witnesses came forward. The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer selectively enforced the law due to racial bias.

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/09 **DATE OF COMPLETION:** 06/02/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence and the complainant requested a withdrawal of the complaint.

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence and the complainant requested a withdrawal of the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/09 **DATE OF COMPLETION:** 06/02/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3: The officers conducted selective enforcement based on bias.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence and the complainant requested a withdrawal of the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated an officer shoved him while telling him to step back. The named officer and four other officers at the scene stated that the complainant refused repeated orders to step back from the scene of a detention of a violent subject. A witness stated that the complainant ignored the officers' orders. The witness saw an officer place his hands on the complainant's chest and shoved him a few feet away. The complainant then walked away. The named officer stated that he "guided" the complainant to a safe distance away. None of the officers saw the complainant being shoved. The investigation revealed that the complainant was moved away from the scene but there was no additional evidence or witnesses to prove that the officers used excessive or unnecessary force to do so.

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

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

FINDINGS OF FACT: The complainant stated that he showed the officer his hospital bracelet and the officer told the complainant he would put him back in the hospital. Four officers at the scene stated they did not hear this comment. A nearby witness stated he did not hear the comment made. There were no other witnesses or evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/09 **DATE OF COMPLETION:** 06/05/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's conduct reflected negatively upon the SFPD.

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

FINDINGS OF FACT: The complainant stated she felt the officer used abusive language, refused to identify himself, was intimidating and threatening. Neither the complainant nor a civilian witness could provide any information that would lead to the identity of the officer. A review of DEM/CAD records did not show any officer being dispatched to the complainants address on the date and time that the complainant said the contact occurred. The complainant was shown photographs of all non-female and Caucasian officers. The complainant was unable to identify the officer. The police district where the complainant resides was polled and all of the officers denied any involvement or contact with the complainant. The officer's identity has not been determined. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/09 **DATE OF COMPLETION:** 06/30/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/08 **DATE OF COMPLETION:** 06/13/09 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that he stopped in front of a restaurant to drop off his wife and was improperly cited for stopping in a bus zone even though he had not parked and was about to drive away. The complainant denied that he stopped in the bus zone marked with a red curb. A photograph of the location indicates that the curb immediately in front of the restaurant is in the middle of the bus zone that is clearly marked with a red curb. The named officer stated that the complainant's car was stopped in the bus zone and was preventing a bus from pulling to the curb. The named officer asked the complainant to move and when he failed to do so, the named officer issued him a citation for stopping in a bus zone. Two civilian witnesses said they saw the complainant stop in the bus zone next to a red-painted curb. One of these witnesses said he observed the named officer tell the complainant to leave, and then issued him a citation only after he failed to do so. The evidence established that the complainant stopped in a bus zone, a violation of the California Vehicle Code and that the issue of a citation for this was proper.

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments, exhibited an inappropriate manner and threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that after receiving a citation for stopping in a bus zone, he parked and went to speak to the named officer to ask why he had been cited. The complainant said the officer made inappropriate comments, exhibited an inappropriate manner and threatened to arrest the complainant, at one point pulling out his handcuffs and moving them to within inches of the complainant's wrists. The complainant said the officer did not tell him why he had been cited. The complainant denied asking the officer to withdraw the citation although at one point the officer told the complainant he would not take back the citation. The named officer stated that he issued the complainant a citation for stopping in a bus zone. Several minutes later, the officer was standing in front of a liquor store talking to the proprietor and another man when the complainant approached on foot and asked the officer to take back the citation. When the officer refused, the complainant yelled at and argued with him.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/08 **DATE OF COMPLETION:** 06/13/09 **PAGE# 2 of 4**

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

The complainant then walked away. The complainant returned several minutes later and again yelled at the officer asking him to take back the citation. When the officer said he would not, the complainant asked for the officer's star number, which he provided. When the complainant continued to behave aggressively by standing very close to the officer and yelling, the officer asked for his identification and ran a wants and warrants check on him. The named officer told the complainant that if he had any warrants, he would be arrested and taken to jail. The named officer denied making any inappropriate comments or displaying his handcuffs to the complainant. One civilian witness who is the proprietor of a store the officer frequents said that the named officer explained to the complainant that he had been cited for stopping in a bus zone and that the complainant asked the officer to withdraw the citation. This witness said he did not hear the named officer make inappropriate comments, exhibit an inappropriate manner or threaten to arrest the complainant and did not see the officer remove or display his handcuffs. A second civilian witness, who is a friend of the first civilian witness and who described the complainant and his behavior in negative terms, said the officer explained to the complainant why he had received the citation. The named officer told the complainant he did not want to argue with him and advised the complainant to protest the citation. This witness said the complainant threatened to get the officer in trouble. This witness stated that he did not hear the officer make inappropriate comments or threaten to arrest the complainant and did not see the officer remove or display his handcuffs.

A third civilian witness who was working in a restaurant located approximately thirty feet from the liquor store said he saw the named officer talking to the complainant in front of the restaurant's large glass window. This witness heard the officer tell the complainant not talk to him like that and not to do what he had done again. The officer told the complainant to listen to him and said he didn't want to have to talk to him again. This witness did hear the officer threaten to arrest the complainant and did not see him pull out or display his handcuffs. No other witnesses were identified.

The complainant's account of what the officer said to him is contradicted in some respects by the accounts of the civilian witnesses. This evidence raises concerns about the accuracy of the complainant's account of what the officer told him. Because the complainant speaks English as a second language, it is possible that he misunderstood or misinterpreted some of the officer's statements. Due to the conflicting accounts concerning significant elements of the interaction, there is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/08 **DATE OF COMPLETION:** 06/13/09 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The named officer issued the complainant a citation for stopping in a bus zone. Several minutes later, the officer was standing in front of a liquor and grocery store talking to the proprietor and another man when the complainant approached on foot and asked the officer to take back the citation. When the officer refused, the complainant yelled at and argued with him. The complainant then walked away. The complainant returned several minutes later and again yelled at the officer asking him to take back the citation. When the officer said he would not, the complainant asked for the officer's star number, which he provided. The complainant said he was going to make a complaint, and the officer told him he had a right to do that. When the complainant continued to behave aggressively by standing very close to the officer and yelling, the officer asked for his identification. The complainant then began walking away from him, and walked approximately five feet. The officer followed the complainant and told him to stop and provide his identification, which the complainant did. The named officer said he was concerned that the complainant might harm him or bystanders. The named officer stated that the complainant had committed two violations in his presence, parking in the bus zone and taking an aggressive stance and yelling at him from a close distance. The officer ran a wants and warrants check on the complainant and told him that if he had any warrants, he would be taken to jail.

One civilian witness who is the proprietor of a grocery store the officer frequents said he saw the named officer issue the complainant a citation as the complainant was stopped in a bus zone. The witness confirmed the officer's account. A second witness, a friend of the first witness supported the officer's account.

The complainant, whose English was poor, spoke to the officer in a rude manner and appeared to be angry but was not yelling. The complainant started walking away while continuing to talk rudely, saying he knew people and was going to get the officer in trouble. The officer asked the complainant for his identification. The complainant initially refused but then provided his identification. The officer told the complainant to sit on the sidewalk against the wall of a building. The officer told the complainant that he was justified in issuing him a citation and asked why the complainant was continuing to argue about it.

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DATE OF COMPLAINT: 04/15/08 **DATE OF COMPLETION:** 06/13/09 **PAGE#** 4 of 4

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

A third civilian witness was working in a restaurant two doors away from the liquor store. This witness said he was near the front of the restaurant, which has a large window facing the street and saw an Asian man who matched the complainant's description walking and saying something to the effect that he had to go. A police officer told this man to sit down on the sidewalk. The man sat on the sidewalk in front of the restaurant's large glass window. This witness heard the officer tell the complainant not talk to him like that. The officer told the complainant to listen to him and said he didn't want to have to talk to him again. The officer told the complainant not to do what he had done again. The complainant was seated on the sidewalk for several minutes then got up and walked away.

Due to a discrepancy between the factual accounts of the complainant and the named officer concerning the complainant's behavior, there is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/09 **DATE OF COMPLETION:** 06/17/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: An investigation of Department documents revealed no documented incident matching the facts alleged by the complainant. The complainant failed to respond to telephone and mailed requests for further information. A witness said she heard the complainant was in jail but did not know where. A search of three area jails' inmate records revealed no record of the complainant's incarceration. There was insufficient evidence to identify the incident, the officers present or to either prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/17/09 **DATE OF COMPLETION:** 06/06/09 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 26, 2009.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 26, 2009

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/17/09 **DATE OF COMPLETION:** 06/06/09 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer released the complainant's personal information to a third party.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 26, 2009

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/09 **DATE OF COMPLETION:** 06/13/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer negligently failed to investigate an assault perpetrated against him. The complainant stated he was choked by a co-worker and housemate several months prior to reporting the matter. The complainant reported the matter and provided a tape-recorded interview to the police. In his police interview, the complainant stated he might drop the charges in a potential court proceeding, implying he might decline to prosecute. The officer brought the matter for consideration to the District Attorney. However, the District Attorney declined to issue a warrant in the case. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer told him he had no time for his case and other such “petty” things. The complainant further alleged the officer kicked him out of his office, telling him not to return. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint. The officer denied the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/09 **DATE OF COMPLETION:** 06/25/09 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 15, 2009.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 15, 2009

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/09 **DATE OF COMPLETION:** 06/25/09 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 15, 2009.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 15, 2009

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/09 **DATE OF COMPLETION:** 06/25/09 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #5: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 15, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: While the complainant was walking near a parked, unattended patrol vehicle, he thought something had fallen from the item he was carrying into the patrol vehicle. The complainant stated he looked inside the vehicle to see what had fallen, and was later unjustly detained by the officer for no apparent reason. The officer stated he had been watching the complainant from a distance and saw the complainant reach inside the police vehicle. The officer then detained the complainant for questioning in accordance with DGO #5.03 regarding investigative detentions. After determining nothing was stolen or placed inside the police vehicle, the officer allowed the complainant to leave. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was detained pending the officer's investigation of a possible crime the officer believed the complainant had committed. The complainant said he felt the officer's line of questioning assaulted the complainant's dignity. There were no independent witnesses to the contact. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/17/09 **DATE OF COMPLETION:** 06/27/09 **PAGE# 1 of 1**

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

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

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

San Francisco Sheriff's Department

SUMMARY OF ALLEGATION #2: This complaint raises matters not rationally within OCC's jurisdiction.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/09 **DATE OF COMPLETION:** 06/06/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 2, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/28/09 **DATE OF COMPLETION:** 06/22/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer improperly transported a person.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 17, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/08 **DATE OF COMPLETION:** 06/02/09 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer's conduct was intimidating and threatening.

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/08 **DATE OF COMPLETION:** 06/02/09 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer's conduct was intimidating and threatening.

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

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

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/08 **DATE OF COMPLETION:** 06/13/09 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/2008 **DATE OF COMPLETION:** 06/13/09 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/08 **DATE OF COMPLETION:** 06/02/09 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer's conduct was intimidating and threatening.

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/09 **DATE OF COMPLETION:** 06/06/09 **PAGE# 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/08 **DATE OF COMPLETION:** 06/30/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved and spoke inappropriately during this event.

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

FINDINGS OF FACT: The complainant did not contact the OCC for an interview. No witnesses were identified by the complainant in his complaint. The officer denied the allegation in his statement to the OCC. Witness officers refute that the acts alleged occurred. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: During a taped interview the complainant requested a withdrawal of the complaint.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/09 **DATE OF COMPLETION:** 06/22/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 17, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/09 **DATE OF COMPLETION:** 06/30/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 25, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/09 **DATE OF COMPLETION:** 06/22/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant provided an invalid address and no telephone number and could not be located. An investigation could not be conducted without the complainant's cooperation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/09 **DATE OF COMPLETION:** 06/02/09 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: **FINDING:** IO(2) **DEPT. ACTION:**

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/09 **DATE OF COMPLETION:** 06/27/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant filed this complaint anticipating that the officers were going to testify in an upcoming court hearing that she made false allegations against another person during an incident that occurred on March 26, 2009. On that date, the officers responded to the complainant's senior housing complex to investigate a battery complaint made the complainant. The officers interviewed the complainant, the alleged suspect, the suspect's supervisor and a witness (the complainant's roommate.) The parties provided inconsistent versions of events. The complainant stated the suspect pushed her, causing to strike her arm on a wall. The complainant's injury consisted of a tiny scratch on the inside of her left forearm. It appeared to be old and self inflicted. The suspect's supervisor informed the officers of the complainant's history of making false allegations against the alleged suspect. The officers advised the parties to seek mediation. The officers conducted a proper investigation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/09 **DATE of COMPLETION:** 06/02/09 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant brought forward issues that are outside the jurisdiction of the OCC. This complaint was forwarded to the Management Control Division
San Francisco Police Department
850 Bryant Street, Room #545
San Francisco, CA 94103

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

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

FINDINGS OF FACT: The complainant brought forward issues that are outside the jurisdiction of the OCC. This complaint was forwarded to the Management Control Division.
San Francisco Police Department
850 Bryant Street, Room #545
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/09 **DATE OF COMPLETION:** 06/06/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded to the San Francisco Police Department Management Control Division.

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded to the San Francisco Police Department Management Control Division.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/09 **DATE OF COMPLETION:** 06/30/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to contact the OCC and provide necessary information to conduct an investigation.

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

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

FINDINGS OF FACT: The complainant failed to contact the OCC and provide necessary information to conduct an investigation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/09 **DATE OF COMPLETION:** 06/02/09 **PAGE#** 1 of 1

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

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

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

Investigative Services Unit
San Francisco Sheriff's Department
25 Van Ness Avenue, 3rd Floor Room #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/08 **DATE OF COMPLETION:** 06/06/09 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/09 **DATE OF COMPLETION:** 06/17/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer failed to properly drive his department vehicle.

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

FINDINGS OF FACT: The complainant stated the officer drove his police department vehicle improperly and failed to yield to crossing pedestrians and bicyclists. The complainant said he did not get any identification on the police vehicle and the officer involved. The complainant requested a withdrawal of the complaint.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

South San Francisco Police Department
33 Arroyo Drive
South San Francisco, CA 94080
(650) 877-8921

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/09 **DATE OF COMPLETION:** 06/20/09 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: **FINDING:** IO(2) **DEPT. ACTION:**

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/09 **DATE OF COMPLETION:** 06/20/09 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/09 **DATE OF COMPLETION:** 06/30/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to take her report of a crime. Based on the complainant's description, a ranking officer could not identify the member(s) who were involved in the said contact with the complainant. The relevant Department personnel records were inconclusive. No other witnesses came forward. The available evidence was insufficient to determine the identity of the involved officer(s) and to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that several officers acted inappropriately during her visit to the station. Based on the complainant's account of the incident, a ranking officer could not identify the member(s) involved in this contact. The relevant Department personnel records were inconclusive. No other witnesses came forward. The available evidence was insufficient to determine the identity of the involved officer(s) and to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/09 **DATE OF COMPLETION:** 06/26/09 **PAGE#** 1 of 1

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:

General Works Detail
San Francisco Police Department
850 Bryant Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/08 **DATE OF COMPLETION:** 06/06/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The officer denied the allegation of having a bad attitude. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/09 **DATE OF COMPLETION:** 06/30/09 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: **FINDING:** IO(1) **DEPT. ACTION:**

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

Emergency Communications Department
1011 Turk Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/08 **DATE OF COMPLETION:** 06/06/09 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The officers did not recall acting or remarking in the manner as alleged. The witness identified by the complainant was unavailable. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3 & #4: The officers failed to call a supervisor to the scene when requested.

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

FINDINGS OF FACT: The officers did not recall the complainant asking for a supervisor. The witness identified by the complainant was unavailable. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/08 **DATE OF COMPLETION:** 06/06/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This traffic stop occurred in 2006. The officer stated he did not recall the traffic stop. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2 -3: The officers behaved and spoke inappropriately.

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

FINDINGS OF FACT: This traffic stop occurred in 2006. The officers stated they did not recall the traffic stop. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/08 **DATE OF COMPLETION:** 06/22/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that his citation and arrest were unlawful based on the 9th Circuit Appeal Court's decision in Jones vs. City of Los Angeles. The named member stated that he cited and arrested the complainant due to the numerous reports from the residents regarding the complainant's illegal encampment in that location. The Department records supported the officer's statement. The complainant acknowledged that prior to this incident, the officer had given him several admonishments on their prior encounters. The Office of Citizen Complaints' review of the relevant 9th Circuit Court's case determined that it was not applicable to this incident. The available evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer used excessively tight handcuffs.

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

FINDINGS OF FACT: The named member denied the allegation. There were no other witnesses to this part of the incident. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/08 **DATE OF COMPLETION:** 06/22/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer ripped the complainant's pockets without justification.

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

FINDINGS OF FACT: The complainant stated that the officer ripped his pockets open without any legitimate reason. The officer stated that, during the complainant's search, he felt items in the complainant's pockets that were consistent with being needles and he asked the complainant whether, in fact, they were. According to the officer, the complainant refused to answer any questions therefore, in order to avoid injury, he had to tear open the complainant's pockets to ascertain that the objects there did not represent a threat. In his Office of Citizen Complaints interview, the complainant corroborated the officer's account concerning this aspect of the incident. The evidence proved that the acts, which provided the basis for the allegations occurred, however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The named member denied acting in the alleged manner and making the comments attributed to him by the complainant. There were no other witnesses to this part of the incident. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/08 **DATE OF COMPLETION:** 06/27/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that his belongings were not returned after being released from jail. The complainant admitted that he was intoxicated on the date of the incident and said he was in jail for 4 to 5 hours. The information provided by the complainant does not match with any law enforcement records. There is insufficient information to pursue this investigation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/08 **DATE OF COMPLETION:** 06/30/09 **PAGE** #1 of 4

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

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

FINDINGS OF FACT: A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the complainant's arrest was improper.

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

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

FINDINGS OF FACT: A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the complainant's detention was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/08 **DATE OF COMPLETION:** 06/30/09 **PAGE** #2 of 4

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

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

FINDINGS OF FACT: A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the officer's comments and behavior were improper.

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

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

FINDINGS OF FACT: A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the force used by the officer was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/08 **DATE OF COMPLETION:** 06/30/09 **PAGE** #3 of 4

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

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

SUMMARY OF ALLEGATION #5: The officer wrote an inaccurate report.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/08 **DATE OF COMPLETION:** 06/30/09 **PAGE** #4 of 4

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/08 **DATE OF COMPLETION:** 06/06/09 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he was working under the direction and employment of a Federal law enforcement agency in a surveillance operation. The Special Agent/Case Agent corroborated the officer was working for the Federal law enforcement agency and under his direction to detain the complainant for their ongoing investigation. The Federal Law Enforcement Agency agent stated the Federal law enforcement agency had reasonable suspicion to detain the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he was working under the direction and employment of the Federal law enforcement agency in a surveillance operation. The officer said he held the complainant's hand in a control hold to the rear of the complainant's body, yet did not handcuff the complainant. The Federal law enforcement agency Special Agent/Case Agent corroborated the officer was working for the Federal law enforcement agency and under his direction to detain the complainant for their ongoing investigation. The Federal law enforcement agency agent stated the Federal law enforcement agency had reasonable suspicion to detain the complainant. The witness stated he stood approximately ten feet from the complainant and the officer. The witness said he did not recall the complainant being handcuffed during the incident. The Federal law enforcement agency agent said he did not observe the detention of the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he was working under the direction and employment of a Federal law enforcement agency in a surveillance operation. The officer said he identified himself to the complainant as a police officer and advised him that he had reasonable cause to search him. The officer stated he searched the complainant for possible narcotics. The Federal law enforcement agency Special Agent/Case Agent corroborated the officer was working for the Federal law enforcement agency and under his direction to detain the complainant to for their ongoing investigation. The Federal law enforcement agency agent stated the Federal law enforcement agency had reasonable suspicion to detain the complainant. The Federal law enforcement agency agent said he did not observe the detention of the complainant. The witness stated he did not observe the officer search the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer said the detention lasted approximately thirty seconds to one minute long. Due to the brief detention, the officer said he did not issue a Certificate of Release. The officer stated he was working under the direction and employment of the Federal law enforcement agency in a surveillance operation. The Federal law enforcement agency Special Agent/Case Agent corroborated the officer was working for the Federal law enforcement agency and under his direction to detain the complainant to for their ongoing investigation. The Federal law enforcement agency agent stated the Federal law enforcement agency had reasonable suspicion to detain the complainant. The Federal law enforcement agency agent said he did not observe the detention of the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer failed to properly identify himself.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he was working under the direction and employment of a Federal law enforcement agency in a surveillance operation. The named officer said he got out of his patrol car, placed his star on the outside of his clothing and walked towards the complainant. The officer said he greeted the complainant and identified himself as a police officer more than once. The Federal law enforcement agency Special Agent/Case Agent corroborated the officer was working for the Federal law enforcement agency and under his direction to detain the complainant for their ongoing investigation. The Federal law enforcement agency agent stated the Federal law enforcement agency had reasonable suspicion to detain the complainant. The Federal law enforcement agency Federal law enforcement agency agent said he did not observe the detention of the complainant. The witness stated he stood approximately ten feet from the officer and complainant. The witness observed the officer wearing a badge around his neck. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/23/09 **DATE OF COMPLETION:** 06/18/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer should not have arrested him for being drunk in public. The named member stated that the complainant was taken into custody because he had alcohol on his breath, was unsteady on his feet, uncooperative and non-responsive to verbal commands and appeared drunk to the point that he could not care for himself. Four other officers present at the scene of this incident gave similar descriptions of the complainant's behavior at the time of this incident. In his Office of Citizen Complaints statement, the complainant estimated his level of intoxication before this police contact as "seven" on the scale from one to ten. The complainant's friend, who was present during the occurrence, did not respond to the Office of Citizen Complaints requests for an interview. The available evidence showed that more likely than not, the officer's decision to take the complainant into police custody for being drunk in public was justified, reasonable and proper.

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

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

FINDINGS OF FACT: The complainant stated that one of the officers involved in his arrest used excessive force against him. All members involved in the incident denied using and/or witnessing any force being used against the complainant. Despite numerous Office of Citizen Complaints requests, neither the complainant nor his friend who was present at the scene, agreed to participate in a photo line-up in order to identify the officer who allegedly used excessive the force. No other witnesses came forward. The available evidence was insufficient to identify the member responsible for the alleged misconduct and to either 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 he flagged down a police car because a female prostitute was bothering him. However, the officers arrested the complainant for being drunk in public but did not do anything in regards to the female prostitute. The officers involved in this incident stated that the complainant was taken into custody for being drunk in public and not being able to care for himself but they did not specifically recall if there had been any fight or argument between the complainant and a female that needed to be investigated. The complainant and his friend, who was also present during this incident, did not respond to several Office of Citizen Complaints requests for additional statements regarding the occurrence. The available evidence was insufficient to name specific member on the alleged misconduct and to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that his driver's license and a credit card were missing after this arrest. All five officers questioned in connection with this incident did not recall handling the property items. The complainant and his friend, who was also present during this police contact, did not respond to the Office of Citizen Complaints request for additional statements in connection with the occurrence. The available evidence was insufficient to name any specific officer on the allegation and to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/02/08 **DATE OF COMPLETION:** 06/02/09 **PAGE# 1 of 3**

SUMMARY OF ALLEGATIONS # 1-2: The officers detained the complainant for an involuntary psychiatric detention without justification.

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

FINDINGS OF FACT: The complainant denied picking up knives from the kitchen or threatening to kill himself. However, a review of 911 recorded statements, department records and hospital records provide convincing evidence that the officers acted reasonably to detain the complainant for an involuntary psychiatric evaluation. The officer's actions were lawful and proper under the circumstances.

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

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

FINDINGS OF FACT: The complainant said the officer had no reason to handcuff him for this incident prompted by his wife calling 911. The evidence established the detaining officers made a lawful determination to detain the complainant, which required transport to a local hospital. SFPD policy dictates that all prisoners, whether male, female, adult or juvenile, shall be properly restrained prior to transportation. The officer's action was lawful and proper.

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SUMMARY OF ALLEGATIONS #4-5: The officers used excessive force while in custody.

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

FINDINGS OF FACT: The complainant stated the officers pulled him by the handcuffs on two separate occasions prior exiting the residence. The officers and three other witnesses on scene denied the allegation. Other witnesses on scene could not verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers failed to comply with proper procedures as detailed in DGO 5.20.

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

FINDINGS OF FACT: The officers denied the allegation and further denied that the complainant requested an interpreter. The evidence established the complainant is fluent in English and communicated in English with dispatch and the on scene officers. Also, the complainant's hospital records indicate he was bi-lingual. Therefore, the complainant was not an LEP person. DGO 5.20 states an officer should seek an interpreter when the officer encounters an LEP person. The evidence established that the officers actions followed department policy and procedure.

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SUMMARY OF ALLEGATION #8:The officer's behavior and comments were inappropriate.

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

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

SUMMARY OF ALLEGATION #9: The officer failed to promptly and politely provide his name and star number upon request.

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

FINDINGS OF FACT: The complainant stated he asked the officer for his name and star number, and that the officer remained quiet and merely pointed to his star. The officer and his partner denied the allegation. A witness on scene could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants were at a pre-season football game in the parking lot when they watched the unloading and preparation of two San Francisco Police Department horses brought to the stadium in an San Francisco Police Department horse trailer. The complainants said that from their observations, one of the two horses was acting in a manner that was unsafe for a crowd situation and the uniformed officer riding it responded improperly to the horse and failed to remove it from the crowd when it demonstrated its lack of preparedness for the duty. Several hours later a plastic bag flew into the face of a San Francisco Police Department horse. The horse backed up and his legs slipped out from under him and the rider went down with the horse. The horse got up without its rider and ran off through the parking lot knocking down two male victims. One of the victims later died from his injuries. The complainants acknowledge that their observations may not have been of the horse that was involved in the incident that occurred that evening. The complainants did not witness the incident involving the runaway horse and heard about it later that evening.

The officer denied the allegations. A witness officer testified that the two horses were fit for duty that day and that neither of the horses acted in an unsafe manner at the time they were being unloaded from the trailer. There were no other witnesses that came forward with regard to seeing the horses being unloaded and their preparation. There were a number of witnesses to the later incident. Two witnesses saw both of the horses moments before the one horse went down and noted the horses appeared fine.

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

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he observed the complainant fail to yield the right of way to a pedestrian in a crosswalk. The officer said the complainant almost struck the pedestrian and was driving very aggressively. The witness officer corroborated the account of the named officer by stating he observed the complainant nearly striking a pedestrian in a crosswalk and driving unsafe in heavy traffic conditions.

The complainant stated she saw a man riding a bicycle and preparing to cross on a red light. She blew her horn, yet the bicyclist quickly crossed in front of her car. By the time the complainant crossed the intersection, the traffic light had turned yellow. The witness and passenger in the complainant's vehicle stated he recalled a biker or pedestrian cross on a red light and the complainant having to swerve to avoid the biker/pedestrian. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation. The named officer said he advised the passenger he would be booked when he failed to provide his identification, as requested. The officer acknowledged advising the complainant and passenger that he could hear their anti-police statements within their vehicle. The officer denied tossing the complainant's license through her window, but rather stated he handed the complainant her citation and driver's license back to her. The witness officer said he was in a position of cover located at the right rear of the complainant's car and could not hear the conversation between the named officer and the complainant.

The complainant said she could not recall exactly what was said but acknowledged unpleasant words were exchanged between her and the named officer. The witness passenger said the named officer talked vulgar towards them. The witness said he observed the named officer throw the pen and the complainant's copy of her citation in the air toward her in the car. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3-4: The officers failed to follow Department General Order 5.08.

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

FINDINGS OF FACT: The named officers stated they made a traffic stop on the complainant due to observing her blatant violation of nearly striking a pedestrian in a marked crosswalk and driving unsafe in heavy traffic. One of the named officers said they normally do not make traffic stops while in plainclothes. However, the officers stated the complainant had absolutely created an aggravated situation whereby it was necessary for them to take immediate action to protect life or property.

The complainant and the passenger witness admitted to either a bicyclist or pedestrian crossing the intersection upon approaching the intersection. The complainant stated she blew her horn to warn the bicyclist. The witness stated the complainant had to swerve to avoid the biker/pedestrian. Both the complainant and the witness said the light turned yellow while crossing the intersection. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF OCC ADDED ALLEGATION #1-2: The officers failed to follow Department General Order 5.08.

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

FINDINGS OF FACT: The named officers acknowledged they did not call for a marked backup unit once the traffic stop was made on the complainant. The officers affirmed they were both at the scene of the complainant's traffic stop and each had the capability to contact dispatch with a request for a marked backup. There is no evidence that the named officers called for backup, and the CAD records demonstrate the absence of such a request.

One of the named officers stated he did not immediately call for a backup unit because they knew that the traffic was extremely heavy and a marked unit would not have responded in a timely manner. The other named officer said based on his experience, he didn't see any reason to call for an additional unit or backup. Furthermore, the other named officer relayed they would have been hard-pressed to find a unit available to respond to their location during the busy commute and through the congested traffic. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATIONS # 1-3: The officers engaged in racial profiling

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

FINDINGS OF FACT: The officers denied that the complainant's race had anything to do with the traffic stop. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS # 4-6: The officers conducted a traffic stop 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.

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SUMMARY OF ALLEGATIONS # 7-9: The officers drew their weapon without cause.

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

FINDINGS OF FACT: Officers drew their weapon for officer safety reasons. As officers approached the complainant, the car reverse lights went on, the complainant began unsafe backing, and refused to stop the car. Upon getting closer one officer observed the complainant reach between the seat and console. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #10-11: The officers used excessive force on the complainant.

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

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

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SUMMARY OF ALLEGATIONS # 12: The officer detained the co-complainant without justification.

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

FINDINGS OF FACT: Officers denied the allegation and said the co-complainant was interfering with the investigation. The co-complainant admitted to covering the complainant's eyes while officers attempted to OC spray him. The co-complainant also admitted that she did not remain inside the car as ordered by the officer and did not comply with repeated orders to stand back and get on the sidewalk. Per DGO 6.15 Rights of Onlookers, officers had the authority to tell the co-complainant to move on for safety reasons and for interfering to which the co-complainant admitted. Also per DGO 5.03 the officers had the authority to detain the co-complainant who was delaying and interfering.

SUMMARY OF ALLEGATIONS # 13-14: The officers used excessive force on the co-complainant.

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

FINDINGS OF FACT: The officers denied the allegation. The officers stated they took down the complainant with a leg sweep and then they used their body weight to control and handcuffed her per training. The officers stated they were not aware of the complainant's pregnancy until after she was handcuffed. Even so, the officers stated there is no special training on arresting pregnant women. The San Francisco Fire Department Patient Care Report documents that the co-complainant was sprayed with OC and her eyes were flushed. The complainant stated she was five months pregnant but refused to say anymore or answer any pre-natal questions. The San Francisco General Hospital Emergency Room medical Screening exam documents that the co-complainant reported abdominal pain as a result of being kned by an officer in the belly. No other medical records were provided. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 15-17: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The officers stated the complainant was arrested for unsafe backing and reckless driving and was resisting and delaying arrest. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 18: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The co-complainant said that a sergeant told an officer who was about to flush her eyes not to provide aid and it was about 22 minutes before she was treated. The named member said he might have told the officer not to start flushing the eyes because the ambulance had arrived and they took over. The CAD documents that the 408 was called at 23:52:43, the Sergeant arrived at 23:53:21, and the ambulance arrived at 23:57:17 which documents a possible lapse of four to five minutes before her eyes were flushed. The officers said they were looking for water when one was found and about to flush her eyes when the paramedics arrived. The booking and detention manual states that officers are to flush the eyes as soon as practical with clean water not to exceed 15 minutes, which was about 4-5 minutes for this incident. The complainant's perception of time was distorted per the timing on CAD records and San Francisco Fire Department patient record.

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SUMMARY OF OCC ADDED ALLEGATION # 1: The officer failed to comply with DB 07-049

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

FINDINGS OF FACT: The CAD does not have an E585 entry. The officer said he drove the patrol car that day but did not make an entry on the CAD. The officer said he made an entry at the station on the computer using the E585 Mask and said he also did a worksheet and attached it to the CAD. Per San Francisco Police Department legal there were no documents responsive to a request for a data search for the E585 data collection program. The officer did not have an explanation for the discrepancy between what he reported and San Francisco Police Department Legal records/data search in regards to this entry. The officer violated Department Bulletin 07-049 by failing to comply in capturing E585 data.

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 for a mental health observation hold without justification.

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

FINDINGS OF FACT: The officer reported that justification for this hold did exist. The medical records also showed that the mental health hold was justified. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2 - #5: The officers searched the premises without a warrant.

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

FINDINGS OF FACT: Current San Francisco Police Department rules and training and the Welfare and Institutions code requires peace officers to confiscate weapons owned by mental health detainees. The officers had information that the complainant owned numerous weapons, and they searched the premises and confiscated many weapons, following these rules. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper under current San Francisco Police Department policy and California law.

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DATE OF COMPLAINT: 07/25/08 **DATE OF COMPLETION:** 06/19/09 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated the officer cited her for running a stop sign and an expired registration without justification. The witness did not observe the entire incident. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged the officer searched her purse and her vehicle without cause. The witness did not observe the entire incident. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 07/25/08 **DATE OF COMPLETION:** 06/19/09 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #3: The officer seized the complainant's property without justification.

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

FINDINGS OF FACT: The complainant stated the officer improperly seized a small pouch containing a mix of marijuana and tobacco. The complainant said the marijuana was medicinal. The officer ordered the complainant from her vehicle and met her at the corner sewer grate. The officer ordered the complainant to dispose of the contents of the pouch into the grate. The complainant did not entirely comply. The officer disposed of the remainder into the sewer. The witness did not see the entire incident. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer made inappropriate comments and acted in an inappropriate manner

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

FINDINGS OF FACT: During a traffic stop, the complainant stated the officer seized her medical marijuana and made inappropriate and profane remarks regarding the benefits of medical marijuana. She also stated he acted in an inappropriate manner when he made her dispose of her medical marijuana down a sewer grate. The officer denied the allegation, saying he did not argue with the complainant. The witness did not overhear the verbal exchange between the complainant and the officer. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 07/25/08 **DATE OF COMPLETION:** 06/19/09 **PAGE#**3 of 3

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

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

FINDINGS OF FACT: The officer failed to document a traffic stop of the complainant. The officer was required to log his traffic stop data in accordance with the provisions of Department Bulletin 07-049. The Office of Citizen Complaints learned the officer failed to log the complainant's gender, ethnicity, date of birth, time of stop, location of stop and reason for stop into the appropriate database, as required for San Francisco Police Department accountability. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the named officer stopped him for a traffic violation while the complainant was driving his girlfriend's vehicle. When the officer determined that the complainant's driver's license was expired, he said the vehicle would be towed, even though the complainant's girlfriend had a valid driver's license and offered to drive the vehicle. The complainant stated that he was upset and vocally displayed his displeasure with the officer. The officer also told the complainant that if his attitude had been different, the outcome of the traffic stop might have been different. The complainant's girlfriend stated that the named officer told them a tow was mandatory and that he had no discretion concerning this. The complainant's girlfriend confirmed that the named officer told the complainant that if his attitude had been different, the outcome of the traffic stop might have been different. The named officer's partner stated that he did not recall hearing the named officer make the inappropriate statements attributed to him by the complainant. A sergeant who responded to the scene stated that he spoke to the complainant and his girlfriend, who were angry that their vehicle was going to be towed. He stated that the named officer was professional in his contact with the complainant and his companion.

The named officer stated that after he had decided to tow the vehicle, he told the complainant that if his attitude had been different the situation might have been handled differently. The named officer explained that he said this because the complainant had been hostile and confrontational throughout the encounter and he wanted to say something that would make the complainant reflect on his behavior. The named officer stated that by saying this, he meant to suggest to the complainant that if his attitude had been different, the named officer could have merely advised him and allowed the complainant's girlfriend to drive the vehicle instead of towing it. The named officer acknowledged, however, that he probably could not have handled the situation differently since Department regulations mandated a vehicle tow under the circumstances. Communications records confirm that the named officer was advised that a tow was required and that his sergeant approved the tow. Department regulations mandate a tow in the circumstances the named officer encountered. The named officer's statement that the complainant's attitude influenced his enforcement action was not a violation of Department regulations because under the circumstances, the officer had no discretion about taking enforcement action. There is insufficient evidence to prove or disprove whether the officer made the other inappropriate statement attributed to him by the complainant, and therefore there is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 10/10/08 **DATE OF COMPLETION:** 06/30/09 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: One complainant alleged the officers detained them without justification while another said they were working at the corner of Hyde and Larkin Streets. One officer who said she knew the complainants could not remember the exact events leading to her and her partner detaining the complainants, but said it was for a prostitution related offense. The other officer stated they knew the complainants to be known prostitutes in the area and conducted a consensual encounter while both complainants were on foot in an area known for high foot traffic by prostitutes and their johns. The complainant failed to provide necessary information about other witnesses on scene to either prove or disprove the allegation. The evidence established the officers' actions were lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers issued invalid orders.

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

FINDINGS OF FACT: Each complainant alleged a different officer issued the invalid order that they obtain California identification cards within thirty days. The officers denied the allegations and stated the alleged statement made no sense. The complainant failed to provide necessary information about other alleged witnesses on scene to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/10/08 **DATE OF COMPLETION:** 06/30/09 **PAGE # 2 of 2**

SUMMARY OF ALLEGATIONS #5-6: The officers threatened the complainants.

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

FINDINGS OF FACT: Each complainant alleged a different officer threatened to arrest them. The complainants gave conflicting statements about what each officer said to threaten them. Both officers denied the allegation and stated the statement about getting a California identification made no sense. The complainants failed to provide necessary information about other alleged witnesses on scene to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT 10/09/08 **DATE OF COMPLETION:** 06/06/09 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said she and a friend were walking towards a nightclub, when the officer and an unknown female Hispanic officer stopped her. The Hispanic officer translated in Spanish what the named officer was saying in English. The named officer told the complainant she did not want to see any transgender prostitutes walking on her beat. The officer told the complainant if she saw her a second time in the area, she was going to give her a ticket and for a third time she was going to take her to jail. The complainant said she does not engage in prostitution.

The officer stated she has had prior contacts with the complainant since September 2007, while assigned to a District Station and Vice Crimes. The officer said she has seen the complainant on a nightly basis. The officer stated she did not have any contact or conversations with the complainant on the date of the incident. The officer stated she had previous contacts with the complainant, she told the complainant to move along, after observing the complainant loiter on two specific corners known for prostitution. The officer did not recall exact dates, but that on several occasions, she warned the complainant regarding 653.22(a) PC, and that she advised the complainant, that it was unlawful for any one to loiter in any public place with intent to commit prostitution.

The witness officer knows the complainant as a known prostitute in the area. The witness officer stated she did not recall detaining the complainant on the date of the incident.

The Unit History assigned to the officers on the date of this incident did not depict any query or contact with the complainant on date of the incident in question.

The complainant's Criminal History depicts that she has been cited or arrested for loitering with intent to commit prostitution from July 2002 to November 2007. The District Attorney's Office dismissed the charges in the interest of justice or released her to another agency's jurisdiction. There is insufficient evidence to either prove or disprove that the officer harassed the complainant.

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DATE OF COMPLAINT 10/09/08 **DATE OF COMPLETION:** 06/06/09 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainant said she and a friend were walking towards a nightclub, when the officer and an unknown Hispanic female officer stopped her. The complainant stated the named officer told her “I do not want to see you around here, this is the last warning, if I see you one more time, I will give you a ticket, this is my area. I want to clean this up, I don’t care if you live here or around here, I don’t want to see you walk from Polk and Larkin, but you can walk up the street by Hyde, by Polk and Hyde, but not this area.” The complainant said the named officer told her if she did not like the process, or the way justice was done in San Francisco, or the police department, that she did not have to be here. The complainant stated she does not engage in prostitution. The complainant’s witness stated the officer contacted the complainant, but the witness did not hear any of the conversation. The witness left the area prior to the contact. The officer stated that she has had multiple contacts with the complainant and could not recall the dates of those contacts. There is insufficient evidence to either prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT 10/09/08 **DATE OF COMPLETION** 06/06/09 **PAGE #3 of 3**

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

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

FINDINGS OF FACT: The complaint stated she and a friend were walking towards a nightclub, when the named police officer and a Hispanic female officer stopped her.

The named officer stated she was not sure when she had the first contact with the complainant, but has seen her on a nightly basis since September 2007, when she began working in the District Station and Vice Crimes. The officer did recall any discussion with the complainant on the date of the incident.

A witness officer did not recall if she and the named officer detained the complainant. The named officer and the witness officer were working the sector car, on the date of the incident. The officers' unit history did not depict the officer making contact or query of the complainant on the date of the incident. The officer conducted a query on an individual with same last name but different first name and the contact lasted one minute in duration. A witness stated she was sure the office contacted the complainant; however, the witness kept walking and did not know what occurred during the contact. There is insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: The complainant said she and a friend were walking towards a nightclub, when the officer and an unknown female Hispanic officer stopped her. The Hispanic officer translated in Spanish what the named officer was saying in English. The named officer told the complainant she did not want to see any transgender prostitutes walking on her beat. The officer told the complainant if she saw her a second time in the area, she was going to give her a ticket and for a third time she was going to take her to jail. The complainant said she does not engage in prostitution.

The officer stated she has had prior contacts with the complainant since September 2007, while assigned to a District Station and Vice Crimes. The officer said she has seen the complainant on a nightly basis. The officer stated she did not have any contact or conversations with the complainant on the date of the incident. The officer stated she had previous contacts with the complainant, she told the complainant to move along, after observing the complainant loiter on two specific corners known for prostitution. The officer did not recall exact dates, but that on several occasions, she warned the complainant regarding 653.22(a) PC, and that she advised the complainant, that it was unlawful for any one to loiter in any public place with intent to commit prostitution.

The witness officer knows the complainant as a known prostitute in the area. The witness officer stated she did not recall detaining the complainant on the date of the incident.

The Unit History assigned to the officers on the date of this incident did not depict any query or contact with the complainant on date of the incident in question.

The complainant's Criminal History depicts that she has been cited or arrested for loitering with intent to commit prostitution from July 2002 to November 2007. The District Attorney's Office dismissed the charges in the interest of justice or released her to another agency's jurisdiction. There is insufficient evidence to either prove or disprove that the officer harassed the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT 10/09/08 **DATE OF COMPLETION:** 06/06/09 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainant said she and a friend were walking towards a nightclub, when the officer and an unknown Hispanic female officer stopped her. The complainant stated the named officer told her “I do not want to see you around here, this is the last warning, if I see you one more time, I will give you a ticket, this is my area. I want to clean this up, I don’t care if you live here or around here, I don’t want to see you walk from Polk and Larkin, but you can walk up the street by Hyde, by Polk and Hyde, but not this area.” The complainant said the named officer told her if she did not like the process, or the way justice was done in San Francisco, or the police department, that she did not have to be here. The complainant stated she does not engage in prostitution. The complainant’s witness stated the officer contacted the complainant, but the witness did not hear any of the conversation. The witness left the area prior to the contact. The officer stated that she has had multiple contacts with the complainant and could not recall the dates of those contacts. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complaint stated she and a friend were walking towards a nightclub, when the named police officer and a Hispanic female officer stopped her.

The named officer stated she was not sure when she had the first contact with the complainant, but has seen her on a nightly basis since September 2007, when she began working in the District Station and Vice Crimes. The officer did recall any discussion with the complainant on the date of the incident.

A witness officer did not recall if she and the named officer detained the complainant.

The named officer and the witness officer were working the sector car, on the date of the incident.

The officers' unit history did not depict the officer making contact or query of the complainant on the date of the incident. The officer conducted a query on an individual with same last name but different first name and the contact lasted one minute in duration. A witness stated she was sure the office contacted the complainant; however, the witness kept walking and did not know what occurred during the contact. There is insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: The complainant said the officer had prior contacts with her before this complaint. The complainant was unable to provide specific dates, witnesses or any documentation to substantiate a pattern of inappropriate contacts by the officer. The officer did not remember the events as alleged by the complainant. There were no known witnesses and there is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer arrested her six or seven months prior to the filing of this complaint. The officer did not recall ever arresting the complainant. Department records show several contacts and citations for prostitution related offenses in the same area regarding the complainant, however the contacts and citations were by other officers. The evidence established the act alleged did not occur.

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DATE OF COMPLAINT: 10/10/08 **DATE OF COMPLETION:** 06/20/09 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The complainant said the officer asked inappropriate questions and made remarks related to her sexual orientation and certain body parts. The officer did not remember the alleged event. The officer denied threatening the complainant or accusing the complainant of lying. The officer further denied advising the complainant not to be in a certain area. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer detained her at a station, where she was fingerprinted, held for four hours, and released without being charged or issued a Certificate of Release. The officer did not remember the incident as alleged by the complainant. No witnesses were identified or came forward during the investigation. No department records were located regarding the alleged detention. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer used sexually derogatory comments.

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

FINDINGS OF FACT: The complainant said the officer made sexually derogatory comments to her. The officer did not remember the alleged event. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT 10/10/08 **DATE OF COMPLETION:** 06/27/09 **PAGE#** 1 of 3

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 she was walking down the street towards a restaurant when the named officer pulled up to her and shined a light at her. The complainant went inside the restaurant, where she ate with a friend. The complainant exited the establishment and was walking on the street and the named officer detained her. The named officer stated she has had numerous contacts with the complainant relating to prostitution related crimes prior to this contact. The named officer could not recall specific dates of the contacts. The complainant has numerous arrests for prostitution in the area where the complainant was detained. The named officer admonished the complainant under Penal Code section 653.22(a), not to loiter with the intent to commit prostitution and told her to leave the area prior to midnight. The named officer told the complainant that after a warning and if a continuing offense occurred, an arrest would be the consequence. The named officer reported seeing the complainant after midnight, in the early morning, crossing the street in a slow manner, and waving at vehicles passing by while the complainant was standing at the street corner. The named officer saw the complainant leaning in towards a vehicle; when the complainant saw the police car, she stood up and walked away. The named officer detained the complainant and issued her a citation. The witness officer stated she knows the complainant from prior encounters regarding prostitution related offenses in the area. The witness officer verified that the named officer detained and admonished the complainant. The witness officer stated the complainant was seen again later in early morning hours in the same area. The witness officer confirmed the named officer's observations of the complainant's behavior and actions. No independent witness came forward during the investigation. There is insufficient evidence to either prove or disapprove the allegations.

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

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

FINDINGS OF FACT: The complainant stated she had exited a restaurant and was walking on the sidewalk when the named officer detained her and issued her a citation for no apparent reason. The named officer stated she has had numerous contacts with the complainant relating to prostitution related crimes prior to this contact. The named officer could not recall specific dates of the contacts. The named officer stopped and detained the complainant. The named officer admonished the complainant under Penal Code section 653.22(a), not to loiter with the intent to commit prostitution and told her to leave the area prior to midnight. The complainant has numerous arrests for prostitution in the same area where the complainant was stopped and detained. The named officer told the complainant that after a warning and if a continuing offense occurred, an arrest would be the consequence. The named officer reported seeing the complainant after midnight, in the early morning, crossing the street in a slow manner, and waving at vehicles passing by while the complainant was standing at the street corner. The named officer saw the complainant leaning in towards a vehicle; when the complainant saw the police car, she stood up and walked away. The named officer stated she did detain the complainant and issued the complainant a citation. The witness officer stated she knows the complainant from prior encounters regarding prostitution related offenses in the area. The witness officer verified that the named officer detained and admonished the complainant earlier in the evening. The witness officer stated the complainant was seen again later in the early morning hours in the same area. The witness officer confirmed the named officer's observations of the complainant's behavior and actions. The witness officer stated that the named officer issued the complainant a citation. No independent witness came forward during the investigation. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complainant stated she was walking towards a restaurant and the named officer shined a light at her. The complainant exited the restaurant and the named officer detained her. The complainant stated the named officer told her "when you see me in the street, disappear; the second time I see you, I will arrest you." The complainant has alleged that the named member has harassed, threatened, detained and cited her for no reason. There is no dispute that the officer and the complainant have had multiple contacts, where the officer stated that the complainant engages in prostitution related activities. The officer when questioned said she admonished the complainant about prostitution related activities and warned her continued activities could lead to her arrest. The officer advised OCC that due to her multiple contacts with the complainant, she could not recall specific dates of those contacts. The officer admitted statements do not rise to the level of sustainable misconduct. The witness officer stated she knows the complainant from prior encounters regarding prostitution related offenses in the area. The witness officer stated she did not hear the named officer make any inappropriate comments to the complainant. No independent witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 10/12/08 **DATE OF COMPLETION:** 06/20/09 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profanity in speaking to the complainant.

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

FINDINGS OF FACT: The complainant alleged an officer approached him as he was parking and used profanity. A poll of the District Station revealed no officer who acknowledged contact with the complainant. The officers assigned to the district at the time denied contact with the complainant, and denied using profanity in speaking to the complainant. No witnesses came forward. There was insufficient evidence to identify the officers or to either prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

CATEGORY OF CONDUCT: IO1 **FINDING:** IO-1. **DEPT. ACTION:**

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

Department of Parking and Traffic/ Municipal Transit
11 South Van Ness Avenue
San Francisco, CA 94103-1226

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: Based on an anonymous tip, dispatch reported that a man in a white SUV had flashed a gun at the tipster. Two of the named officers were a block away and spotted the SUV at a red light at the broadcast location. One of those officers stated the complainant's SUV was the only white SUV in the immediate area. These officers conducted the first detention of the complainant.

Several minutes later, the two other named officers heard the call on a different radio channel. These officers were directly behind the complainant's vehicle. While conducting the second detention, these officers learned the complainant had already been detained. On the 911 tape, these officers can be heard asking the dispatcher if the caller/reportee provided any additional information about the SUV. The dispatcher mistakenly gave the officers the complainant's license plate number.

Each officer stated they detained the complainant because the complainant's white SUV was the vehicle they spotted in the immediate area reported by dispatch. Dispatch provided these officers with the complainant's license plate number. This was an A-priority call of a person with a gun. The officers had reasonable suspicion to conduct a detention.

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

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

FINDINGS OF FACT: The officers stated the complainant gave the officers consent to search his vehicle. One officer stated he conducted a cursory search of the driver's side of the vehicle for weapons and for the complainant's identification card.

The second officer stated he searched the complainant's vehicle "based on the nature of the call and the information provided by Headquarters." He stated he was responding to a call of a man flashing a gun at an anonymous reportee. Both officers had probable cause to search the vehicle for a gun.

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SUMMARY OF ALLEGATION #7: The officer made inappropriate remarks to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. Three officers who were at the scene stated they did not hear the officer make any inappropriate remarks. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officer handcuffed the complainant and deliberately made them too tight. The officer stated he handcuffed the complainant, checked them for tightness and double-locked them. He stated the complainant did not complain about tight handcuffs. Three officers at the scene stated they did not hear the complainant complain of tight handcuffs. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 11/10/08 **DATE OF COMPLETION:** 06/30/09 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #9-10: The officers failed to issue the complainant a Certificate of Release.

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

FINDINGS OF FACT: The officers did not restrain the complainant, move him a substantial distance or detain him for a significant length of time. Under Department General Order 5.03, they had no duty to issue the complainant a Certificate of Release. The officers' conduct was proper.

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

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

FINDINGS OF FACT: The officer acknowledged that he failed to enter E585 data into his vehicle's Mobile Data Terminal immediately after the complainant's detention. He stated he tried to enter the data into the station computer at the end of the shift and when that was unsuccessful, he entered it manually onto a data collection worksheet and placed in the station's mailbox. The OCC requested a copy of this document from the Department but they were unable to locate it. The allegation is sustained.

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DATE OF COMPLAINT: 11/17/08 **DATE OF COMPLETION:** 06/24/09 **PAGE#** 1 of 5

SUMMARY OF ALLEGATION #1: The officer made a threatening comment to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The officer said he did not make an inappropriate and threatening comment to the complainant. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officers denied the allegation. The male officer stated he observed the complainant sitting in a vehicle parked in front of a fire hydrant. The male officer observed numerous packs of cigarettes in a bag on the front seat of the vehicle. The female officer said she made contact with the complainant who was seated in a vehicle parked in front of a fire hydrant, as requested by the male officer. The complainant corroborated he was seated in his vehicle parked in front of a fire hydrant. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #4-5: The officers issued an invalid order to the complainant.

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

FINDINGS OF FACT: The female officer denied the allegation. The female officer wrote she requested the complainants' driver's license and registration on two occasions. The driver refused to provide the documents and used profanity towards the female officer. The complainant was requested to step out of the vehicle and again refused to comply. The named male officer denied the allegation. He corroborated that the female officer requested the complainant's driver's license and registration but the complainant refused to provide either one. The officer said both he and the female officer told the complainant to exit his vehicle. The complainant used profanity and refused to comply by telling them he did not have to provide his identification or registration for a parking citation. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper pursuant to state laws and court rulings.

SUMMARY OF ALLEGATION #6: The officer used force on the complainant during the detention.

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

FINDINGS OF FACT: The officer denied using excessive force. The officer said he took the complainant out of his vehicle by using an academy-trained twist lock control hold on the complainant's left hand. The officer said once the complainant was out of his vehicle, the complainant flopped to the ground on his own accord. The officer denied stepping on the complainant's neck while handcuffing him. The officer explained that during prone handcuffing, he placed his knee on the back of the subjects' shoulder blades for balance and control. The witness officers denied that any force was used on the complainant; only a physical control was utilized. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #7: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The officer said the complainant displayed hostility and noncompliance toward the officers on scene. The officer stated the complainant was handcuffed for refusing to present his identification and registration for a traffic code violation, for refusing to step out of his vehicle, and for further investigation of the complainant as a suspect in a series of robberies involving cigarettes. Two witness officers corroborated the complainant's refusal to present identification and registration and his possession of numerous cigarette packs in a bag. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer said the complainant was pat searched for weapons immediately after he was handcuffed. The officer relayed the complainant was in violation of a Vehicle Code section, refused to provide requested documents and refused to comply with requests to exit his vehicle. The officer said the complainant was hostile and uncooperative. The complainant was in possession of a mesh bag filled with numerous cigarette packs, possible evidence of a series of robberies. The officer said the complainant was considered a suspect in the robberies. Two witness officers corroborated the officer searched the complainant. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #9: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The officer said he looked for the vehicle registration in the center console, above the visor, under the seats, and the glove box of the complainant's car. Officers have a legal right to examine driver's license and registration when a person has been stopped for a traffic violation or for an investigative detention (Arturo D. (2002) 27Cal.4th60,77-8). The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer stated a parking citation was issued in lieu of a Certificate of Release. The officer said he directed the citing officer to issue a parking citation to the complainant. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 11/17/08 **DATE OF COMPLETION:** 06/24/09 **PAGE#** 5 of 5

SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to write an incident report.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated an incident report was not required, since the traffic stop was based on an infraction violation of the Vehicle Code and the complainant was issued a parking citation. According to San Francisco Police Department General Orders, an incident report would not be required under the circumstances. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/19/08 **DATE OF COMPLETION:** 06/06/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant alleged that the officer had a rude attitude.

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

FINDINGS OF FACT: The complainant alleged that when she asked the officer a question, he initially ignored her and responded snidely. The officer stated that he was under enormous stress at the time of the incident and answered the complainant's question based on information provided to him by the Department. The Officer In Charge of the practice escort created the name of the principal in the practice escort and confirmed that the officer's response to the complainant's question was correct based on the information the officer was given. The officer acknowledged that based on the information given to him, his comment could have been construed as rude but that was not his intent. There was insufficient evidence to either prove or disprove the allegation made in the complainant.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/19/08 **DATE OF COMPLETION:** 06/02/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer cited him without justification for failure to properly equip his bicycle with an adequate headlamp. The complainant further alleged the officer wrongfully cited him for failure to change the address on his driver's license in accordance with the applicable statute. The complainant said he handwrote his current address on the rear of his license. The officer denied the allegation. He stated the complainant's headlamp did not conform to statute and cited the complainant accordingly. The officer stated he deleted the change of address violation on the citation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The complainant alleged the officer made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant alleged the officer made inappropriate remarks to him and unnecessarily used cover officers for administering a citation to him. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/08 **DATE OF COMPLETION:** 06/20/09 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant crossed the street when the traffic signal light was green. The complainant stated he was detained and issued a citation. The complainant stated he was issued a citation because he was taking photographs of the arresting police officers. The named officer stated he detained the complainant and issued him a citation for walking across the street against the red traffic signal. The named officer stated he observed the complainant cross the street, forcing vehicles to slow down until the complainant had cleared the lane of traffic. The named officer stated he had a clear and unobstructed view of the traffic signal, and vehicular traffic, when he saw the complainant illegally enter the roadway from the southwest corner of the intersection. The witness officer stated he observed the complainant cross the street while the traffic signal was red for north and south bound foot traffic and the traffic signal light was red in the complainant's direction. The witness officer stated the vehicles had to slow down, until the complainant was clear of the intersection. The witness officer stated the named officer issued the complainant a citation. Another witness, a co-worker of the complainant, stated that the complainant walked across the street and the pedestrian crosswalk light was white and the traffic signal light was green. The witness believes that from the officers' vantage point, they could not see the traffic signal light or the pedestrian traffic signal from the southwest corner of the street intersection. No independent witnesses were identified or came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/19/08 **DATE OF COMPLETION:** 06/20/09 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant was taking photographs of police officers arresting a young Latino male at the intersection. The complainant crossed the street when the traffic signal light was green. The complainant stated he was detained and issued a citation because he was taking photographs of the arresting police officers. The named officer stated he detained the complainant and issued him a citation for walking across the street against the red traffic signal. The named officer stated he observed the complainant cross the street and force vehicles to slow down, until the complainant had cleared the lane of traffic. The named officer stated from his location at the northwest corner of the intersection, he had clear and unobstructed view of the traffic signal, of the complainant and vehicular traffic, when he saw the complainant illegally enter the roadway from the southwest corner of the intersection. The witness officer stated he observed the complainant cross the street while the traffic signal was red for north and south bound foot traffic and the traffic signal light was red in the complainant's direction. The witness officer stated the vehicles had to slow down, until the complainant was clear of the intersection. The witness officer stated the named officer issued the complainant a citation. Another witness, a co-worker of the complainant, stated that the complainant walked across the street and the pedestrian crosswalk light was white and the traffic signal light was green. The witness believes that from the officers' vantage point, they could not see the traffic signal light or the pedestrian traffic signal from the southwest corner of the street intersection. No independent witnesses were identified or came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was taking photographs of police officers arresting a young Latino male at the intersection. The complainant stated he crossed the street to take more photographs of the police officers. The complainant stated the named officer detained him and issued him a citation because he was taking photographs of the police officers arresting the young male. A witness, the complainant's co-worker, stated the complainant was the only one taking photographs of the police officers arresting the young Latino male. The named officer stated he detained the complainant and issued him a citation for walking across the street against the red traffic signal. The named officer stated he observed the complainant cross the street and force vehicles to slow down, until the complainant had cleared the lane of traffic. The named officer stated from his location at the northwest corner of the intersection, he had clear and unobstructed view of the traffic signal, of the complainant and the vehicular traffic, when he saw the complainant illegally enter the roadway from the southwest corner of the intersection. The witness officer stated he observed the complainant cross the street while the traffic signal was red in the complainant's direction. The witness officer stated the vehicles had to slow down, until the complainant was clear of the intersection. The witness officer stated the named officer issued the complainant a citation. A witness, a co-worker of the complainant, stated that the complainant walked across the street and the pedestrian crosswalk light was white and the traffic signal light was green. The witness believes that from the officers' vantage point, they could not see the traffic signal light or the pedestrian traffic signal from the southwest corner of the street intersection. No independent witnesses were identified or came forward during the investigation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 11/19/08 **DATE OF COMPLETION:** 06/30/09 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainants stated the officers should not have arrested them. The officers stated a citizen arrest was carried out because the reportee/victim requested the arrest of the complainants. The witness signed the citizens arrest forms against the complainants and they were cited and subsequently released from the station. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer twisted his wrist during handcuffing at the station. The officer said he detained and moved the complainant to a holding cell at the station. The officer stated he used proper handcuffing techniques and the complainant did not complain of any pain or injuries. The witnesses were separated from the complainants. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 11/19/08 **DATE OF COMPLETION:** 06/30/09 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #4-5: The officers racially profiled the complainants.

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

FINDINGS OF FACT: The complainant felt the officers discriminated against them because of their Chinese ethnicity and due to their Halloween costumes. The officers stated they did not use any racial profiling on the complainants. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #6-7: The officers made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant's felt the officers did not allow her to tell her side of the incident. The complainant said one of the officers told her the law and the world was unfair. The complainants stated they felt the officers sided with the other group. The officers denied the allegations. The witnesses were separated from the complainants. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

CATEGORY OF CONDUCT: ND

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainants stated the officers did not listen to their side of the incident. One of the complainants said the officers did not take photos of their injuries. The officers stated the complainants did not complain or any injuries or had any visible injuries. The witness stated she did not hear the complainant's request that photos be taken or whether there were any injuries to the complaints. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/11/08 **DATE OF COMPLETION:** 06/30/09 **PAGE** #1 of 2

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

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

FINDINGS OF FACT: The complainant and one witness alleged that a decoy falsified evidence against one of the complainant's employees, but the complainant acknowledged he did not see the allegedly false evidence. The named and one witness officer denied the allegation, stating that the named officer issued the citation after observing the employee serve alcohol to a minor decoy. One witness officer said he was not present to see the violation or the issuance of the citation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the named officer told the complainant to shut up. The complainant and a witness said the named officer called an employee at the restaurant in which the incident occurred a liar. The named and one witness officer denied the allegation, stating that the named officer said the employee was either lying, confused or mistaken. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate or incomplete report.

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

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

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to file the incident report before reporting off-duty, as required by Department General Order 1.03.

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

FINDINGS OF FACT: Department records showed that the incident report was entered by the Records Management System 13 days after the incident. The officer who investigated the incident said he submitted the completed report on the day of the incident, prior to going off-duty. The named officer said he did not use the computerized report-writing system, so there is no record of the submission and that he was the officer in charge of the unit to which he was assigned that day. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/11/08 **DATE OF COMPLETION:** 06/20/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was intoxicated, left a bar and was walking to his car when he was arrested. The complainant said the officer approached him and accused him of vandalizing several vehicles. The complainant denied that he committed the acts of vandalism. The officer stated an individual flagged him down and told the officer he saw the complainant kick several parked vehicles, and break their windows. The witness followed the complainant while on the telephone with a 911 operator and identified the complainant to the officer as the person he saw vandalizing the vehicles. A second witness also told the officer that he observed the complainant jump on and kick a motorcycle. These two witnesses completed written statements that were part of the incident report for this case. The evidence proved that the arrest that provided the basis for the allegation occurred; however, said arrest was justified, lawful, and proper based on the evidence.

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

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

FINDINGS OF FACT: The complainant stated he advised the officer that he was a Navy Veteran and had a 10-year secret clearance. The complainant alleged the officer laughed at him as “if he has heard all that before.” The officer denied the allegation. No witnesses came forward who observed the alleged action. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officer was intimidating and threatening towards the complainant.

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

FINDINGS OF FACT: The officer stated he did not recall making any intimidating or inappropriate statements to the complainant on either of the dates of contact. The witness said he did not recall the officer make any of the inappropriate alleged comments to the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer displayed an inappropriate gesture toward the complainant.

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

FINDINGS OF FACT: The officer said he denied the allegations of inappropriate gestures directed to the complainant. He said he had no contact with the complainant at the police station on the alleged date and had no idea what type of gesture the complainant was referring to. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The officer affirmed he spoke with the complainant in person at the police station and on the telephone on the alleged date. The officer said the complainant never made a complaint regarding a member of SFPD. The complainant was angry at the property manger of a residential hotel. The officer referred the complainant to the rent board regarding her dispute with the hotel management after he determined there was no criminal behavior by the hotel staff. The complainant also stated there was an ongoing criminal investigation of the staff being handled by another police unit. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer said he was summoned to the residential hotel by the manager regarding a trespasser. The manager relayed he was having ongoing problems with a guest who had violated the guest policy on numerous occasions. The manager signed the citizen's arrest form on the complainant and she was arrested. During the arrest, the complainant failed to comply with the named officer by delaying the investigation during her probation search and failing to comply with his lawful instructions. The witness corroborated the continuing offenses of the complainant and that he signed a citizens arrest form. The witness said the co-complainant threatened him with verbal and physical threats prior to the police arriving.

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SUMMARY OF ALLEGATION #5: The officer was intimidating and threatening towards the complainant.

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

FINDINGS OF FACT: The officer denied making the alleged threatening and intimidating statements to the complainant. The complainant was lawfully ordered to sit down because she kept attempting to stand up and leave from the lawful detention. The officer said the complainant's failure to comply resulted in a further delay in their investigation. The witness said the complainants were antagonistic and belligerent during these police incidents toward the manager, assistant manger, and the police.

SUMMARY OF ALLEGATION #6: The officer conducted an inappropriate search on the complainant.

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

FINDINGS OF FACT: The officer stated the complainant was on a court-mandated probation warrantless search condition. During the probation search, the complainant kept twisting her body to prevent the named officer from conducting the search and to delay his investigation. The named officer said he conducted the search just as he was taught at the police academy. The search procedure is located in the defensive tactics arrest and control manual. The witness officer corroborated the named officer's account of an appropriate search conducted on the complainant. There were no other witnesses.

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

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

FINDINGS OF FACT: The officer denied pulling the complainant's hair while walking her to the patrol car or when placing her into the patrol car. The officer said the complainant was violently resisting their attempts to place her in the patrol vehicle. The officer stated he placed his hand on her head to prevent her from hitting the door jam and his fingers may have gotten tangled in her long hair as he pulled his hand away. Ms. Smith had no visible injuries and had no complaint of pain. The witness stated the police handled the incident in a very professional manner and did not escalate the situation or violate the rights of any individual. However, the witness was not present during the officer's entire contact with the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-3: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant alleged that the officers entered her residence without cause. The evidence shows that the entry was under exigent circumstances. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #4: The officer engaged in inappropriate behavior and/or comments.

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately and/or made inappropriate comments. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/14/08 **DATE OF COMPLETION:** 06/02/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant alleged that the officer made a racially derogatory comment. The officer denied the allegation. There were no witnesses that came forward. 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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DATE OF COMPLAINT: 12/30/08 **DATE OF COMPLETION:** 06/13/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she contacted San Francisco Police Department for a well being check on her elderly friend who she had not heard from in a couple of days. The complainant stated her friend possibly had the flu. Once the complainant arrived at her friend's residence the officers were already on the scene. The complainant stated she pleaded with the officers to force entry into her friend's apartment because he was not responding. The officers stated having the flu was not an example of imminent danger to life. The officers contacted several neighbors to inquire if they had knowledge of the complainant's friend's condition. The officers knocked on the complainant's friend's door several times. The officers were given permission by a tenant to enter her apartment to see if they were able to view inside the complainant's friend's apartment. The officers were not able to get any information regarding the resident. The officers did get the telephone number of the apartment manager and left him a message on his cell phone. The officers provided the complainant with the apartment manager's contact information and suggested she contact him to coordinate entry into her friend's apartment. The officers stated there is no policy or procedure that exists for this type of situation. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3: The officer displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officer was hostile, impatient, and kept minimizing the matter. The complainant did not provide any other information regarding this allegation. The officer stated his demeanor was very calm and concerned. Another officer stated he did not observe the named officer being rude or hostile toward the complainant. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #4-5: The officers were racially biased.

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

FINDINGS OF FACT: The complainant contacted San Francisco Police Department for a well being check on her elderly friend. The complainant stated the officers refused to force entry into her friend's residence. The complainant felt the differences in her ethnicity and the officer's ethnicity may have played a role in their decision to not make a forced entry. The officers stated they did not know the complainant's ethnicity prior to arriving to the scene, nor did the differences in their ethnicities have any bearing on their decision to not make a forced entry. The officers further stated they are only to make forced entries for exigent circumstances or imminent danger, and neither of those existed at the time. The officers never made any comments regarding the complainant's ethnicity and the complainant never mentioned her concerns to the officers. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/11/09 **DATE OF COMPLETION:** 06/13/09 **PAGE#** 1 of 1

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to take required action regarding E585 Traffic Information.

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

FINDINGS OF FACT: The investigation proved the officer completed an Additional Traffic Stop Data Collection requirement per San Francisco Police Department Bulletin #08-268. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated the officers harassed her. The complainant said she did not do anything wrong. The officers stated they were not harassing her and were assisting another officer in a traffic stop. One of the officers had a prior contact with the complainant and her boyfriend but the officer said the prior contact had nothing to do with this traffic stop. There were no witnesses to the incident.

SUMMARY OF ADDED ALLEGATION #3-4: The officers failed to state the reason for the arrest of the complainant.

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

FINDINGS OF FACT: The complainant stated the officers did not explain to her at the scene why she was being arrested. The officers denied the allegation and said they did tell the complainant why she was being arrested. There were no witnesses at the scene. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant felt she should not have been pat searched. The officer admitted to pat searching the complainant due to officer safety concerns. The officer stated the traffic stop became a felony stop due to the discovery of narcotics in the complainant's vehicle. There were no witnesses to the incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ADDED ALLEGATION #6-7: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated she should not have been arrested because she believed she was not doing anything wrong. The complainant admitted her vehicle's rear tail light was damaged in violation of 24252(a) CVC along with violation of 5200CVC a missing front license plate on her vehicle. In addition, the complainant admitted there were narcotics in her vehicle and she did not have any prescription or supporting documentation for the narcotics. The officers arrested the complainant because she was in 113501(a) PC violation for possession of narcotics or a controlled substance. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #8-9: The officers searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant felt the officers did not have the right to search her vehicle. However, the complainant admitted she told the officers to search her vehicle. The officers said the complainant allowed them to search her vehicle. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ADDED ALLEGATION #10: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated her vehicle should not have been towed from the scene. The officer stated he approved the towing of the complainant's vehicle because there was no legal place to park or leave the car for more than 24 hours. There is insufficient evidence to prove or disprove the evidence made in the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/09 **DATE OF COMPLETION:** 06/30/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said an officer grabbed her husband's arm and pulled him outside their door. The officer denied using reportable force. The complainant did not witness the interaction from the beginning. The complainant's niece was not available for an interview and lives out of the country. There were no other witnesses. The CAD documents that the complainant's address was provided as a responding location at one point. The call was classified as a 418 A priority call. There is insufficient evidence to determine that the officer's action was appropriate or not given the totality of the circumstances.

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

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

FINDINGS OF FACT: The complainant said the officer did not explain or apologize after realizing that he was at the wrong location. The officer said that due to the exigency of the situation and possibility of people being injured, he immediately responded to the correct location and was not able to relay to the complainant's husband his actions. The CAD documents that the complainant's address was provided as a responding location. The officers have no control over what dispatch relays to them. Officers are not required to return and explain their actions. The officer's actions were in accordance to Department General Order 2.01 Rule 5. Performing Duties.

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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 rude and hostile. The complainant said the officer yelled and snapped at them. The complainant further stated the officer snatched a document from a witness without warning. The officer stated she did not recall making any contact with the complainant. The officer was adamant that she was not the officer involved. San Francisco Police Department records indicated the officer was working that day. The complainant and the witness were not able to identify the named officer involved in the incident. The complainant was not able to provide further information on another witness. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer should not have arrested him for being drunk in public. Then named member stated that the complainant was taken into custody because he had alcohol on his breath, was unsteady on his feet, uncooperative and non-responsive to verbal commands and appeared drunk to the point that he could not care for himself. Four other officers present at the scene of this incident gave similar description of the complainant's behavior at the time of this incident. In his Office of Citizen Complaints statement, the complainant estimated his level of intoxication before this police contact as "seven" on the scale from one to ten. The complainant's friend, who was present during the occurrence, did not respond to the Office of Citizen Complaints requests for an interview. The available evidence showed that more likely than not, the officer's decision to take the complainant into police custody for being drunk in public was justified, reasonable and proper.

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

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

FINDINGS OF FACT: The complainant stated that one of the officers involved in his arrest used excessive force against him. All members involved in the incident denied using and/or witnessing any force being used against the complainant. Despite numerous Office of Citizens Complaints requests, neither the complainant nor his friend who was present at the scene, agreed to participate in a photo line-up in order to identify the officer who allegedly used the excessive force. No other witnesses came forward. The available evidence was insufficient to identify the member responsible for the alleged misconduct and to either 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 he flagged down a police car because a female prostitute was bothering him, however the officers arrested him for being drunk in public but did not do anything in regards to the said female. The members involved in this incident stated that the complainant was taken into custody for being drunk in public and not being able to care for himself but they did not specifically recall if there had been any fight or argument between him and a female that needed to be investigated. The complainant and his friend, who was also present during this incident, did not respond to several Office of Citizen Complaints requests for additional statements regarding the occurrence. The available evidence was insufficient to name a specific member on the alleged misconduct and to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that his driver's license and a credit card were missing after this arrest. All five members questioned in connection with this incident did not recall handling the said property items. The complainant and his friend, who was also present during this police contact, did not respond to the Office of Citizen Complaints request for additional statements in connection with the occurrence. The available evidence was insufficient to name any specific officer on the allegation and to either prove or disprove the allegation.