

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/11/06 **DATE OF COMPLETION:** 10/19/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: This complaint 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:

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DATE OF COMPLAINT: 10/11/06 **DATE OF COMPLETION:** 10/19/06 **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 allegation raises matters outside OCC's jurisdiction. This allegation has been referred to:

Lieutenant A. Kennedy
San Francisco Sheriff's Department
Investigation Service Unit
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/16/06 **DATE OF COMPLETION:** 10/30/06 **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:

Carol Benard
Emergency Communications Department
1011 Turk Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/19/06 **DATE OF COMPLETION:** 10/28/06 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1: The officer used profanity.

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

FINDINGS OF FACT: The anonymous complainant stated an officer used profanity. There is no way to contact the complainant to obtain further needed information to identify an officer or witnesses, or the date of the incident. The information provided by the complainant does not provide sufficient information to fully investigate the allegation

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

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

FINDINGS OF FACT: The anonymous complainant alleged that District Station officers detain persons without cause. The complainant did not provide any examples of these acts nor did the complainant provide any information regarding alleged detainees. The information provided by the complainant does not provide sufficient information to investigate the allegation. There are no contact numbers for the complainant.

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SUMMARY OF ALLEGATION #3: The officer acted in an inappropriate and intimidating manner.

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

FINDINGS OF FACT: There is no contact information for the anonymous complainant. Further information is needed to investigate this allegation. The information provided by the complainant is insufficient to investigate 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: **FINDING:** IO(1) **DEPT. ACTION:**

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

Jeff Adachi
Public Defender's Office
555 7th Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/26/06 **DATE OF COMPLETION:** 10/30/06 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainants stated they were talking inside their vehicle, which was parked in their driveway, when two officers suddenly drove up and conducted a traffic citation stop without reason. The officers denied the allegation, stating they observed the vehicle being operated with front side windows being tinted, in violation of California Vehicle Code (CVC) Section 26708.5(a). The officers stated they followed the vehicle, which came to rest in a driveway, and immediately conducted a traffic citation stop. The Office of Citizen Complaints investigation determined the officer did observe the vehicle being driven and the vehicle's windows were in violation of the Code Section noted above.

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

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

FINDINGS OF FACT: The complainants stated the officer forcefully grabbed the co-complainant and pulled him from the vehicle without providing him the opportunity to exit the vehicle. The officers denied the allegation. There is insufficient evidence either to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants stated the officer searched their vehicle without justification. The officers denied the allegation, stating the driver was cited under CVC Section 14601.1(a) for driving on a suspended license, and towed under mandatory SFPD guidelines. The Office of Citizen Complaints investigation determined that, while CVC Section 22651(p) permits officers to tow vehicles subject to the driver being cited under CVC Section 14601.1(a), current federal and state law deems it unreasonable to impound a vehicle in a non-criminal matter when the location of the vehicle does not require caretaking by the officers and does not jeopardize public safety or the efficient movement of vehicular traffic. Thus, the evidence proved that the act of the member was justified by Department policy, procedure, or regulation; however, the Office of Citizen Complaints recommends a change in the particular policy, procedure, or regulation.

SUMMARY OF ALLEGATION #5: The officer searched complainant's personal property without justification or cause.

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

FINDINGS OF FACT: The complainants stated the officer searched through the complainant's purse without justification or cause or with the complainant's consent. The officers denied the allegation, stating a Terry search was conducted for weapons and contraband during the detention, which became an arrest. There is insufficient evidence either to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer threatened to arrest the complainant.

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

FINDINGS OF FACT: The complainant stated the officer threatened to arrest the complainant if she did not shut up and back away from the vehicle, while the co-complainant recalled the officer threatening arrest if she did not sign the citation. The officer denied the allegation, stating he never threatened to arrest anyone. Under California Penal Code Section 853.5, while an officer may inform a motorist that she may be arrested for refusing to sign the citation, there is insufficient evidence as to what actually occurred either to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer threatened to arrest a bystander.

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

FINDINGS OF FACT: The complainants stated the officer threatened to arrest their neighbor who was questioning the police action. The neighbor's statement did not sufficiently corroborate the allegation. Other witnesses contacted during this investigation did not recall this incident. The officers denied the allegation. There is insufficient evidence either to prove or disprove the allegations.

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SUMMARY OF ALLEGATION #8: The officer exhibited inappropriate behavior and made rude comments.

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

FINDINGS OF FACT: The complainants stated the officer treated them brusquely, yelling at them and telling them to shut-up. The officer denied the allegation. There is insufficient evidence either to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer towed complainants' vehicle without justification or cause.

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

FINDINGS OF FACT: The complainants stated the officers had their vehicle towed when they had done nothing illegal. The Office of Citizen Complaints investigation determined the evidence established the complainant had driven the vehicle in violation of CVC Section 14601(a), and, under San Francisco Police Department policy, the officer issuing the citation was required to tow the vehicle upon his supervisor's approval. However, current federal and state law deems it unreasonable to impound a vehicle in a non-criminal matter when the location of the vehicle does not require caretaking by the officers and does not jeopardize public safety or the efficient movement of vehicular traffic. Thus, the evidence proved that the act of the member was justified by Department policy, procedure, or regulation; however, the Office of Citizen Complaints recommends a change in the particular policy, procedure, or regulation.

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SUMMARY OF ALLEGATION #10-11: The officers cited the complainant for driving a vehicle with illegally tinted windows without cause.

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

FINDINGS OF FACT: The complainants stated they had not driven their vehicle, which was parked in the driveway, and that the vehicle's windows were not illegally tinted. The officers denied the allegation, stating the officers had witnessed the complainant drive the vehicle and the front side windows were illegally tinted. The Office of Citizen Complaints investigation determined the complainant had driven the vehicle and its front side windows were in violation of California Vehicle Code Section 26708.5(a), as approved by the citing officer's supervisor. 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 #12: The officer cited the complainant for driving on a suspended license without cause.

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

FINDINGS OF FACT: The complainants stated they had not driven their vehicle but only sitting in the parked vehicle in their driveway. The officer denied the allegation, stating he had witnessed the complainant drive the vehicle and confirmed she had a suspended license, in violation of CVC 14601.1(a). The Office of Citizen Complaints investigation determined the evidence established the complainant had driven the vehicle in violation of the above CVC Section. 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 #13-14: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainants stated the officers represented to them that they could obtain a release of their vehicle at the Hall of Justice on a Saturday. The officers denied the allegation, stating they referred the complainants to the information provided on the San Francisco Police Department Follow-UP Form (378) and did not recommend a Saturday visit to the Hall of Justice to have their vehicle released. There is insufficient evidence either to prove or disprove the allegation.

SUMMARY OF ALLEGATION #15: The officer wrote an inaccurate citation.

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

FINDINGS OF FACT: The complainants stated the officer misrepresented the location of the traffic citation stop. The officer denied the allegation. The Office of Citizen Complaints investigation determined the citation accurately noted a location where the patrol unit first spotted the vehicle, which the complainants mistook for the location where the citation was issued. 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 #1-2: The officers used excessive force during the incident.

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

FINDINGS OF FACT: The officers denied the allegation and other responding officers denied being present at the time the complainant was placed into custody. OCC attempts to locate other witnesses on scene were unsuccessful. County Jail medical records established that the complainant had not received the alleged injuries when booked. The preponderance of the evidence proves that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The officer denied the allegation. Other responding officers could not verify or deny the allegation. Office of Citizen Complaints attempts to locate other witnesses on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer applied the handcuffs too tight.

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

FINDINGS OF FACT: The officer denied the allegation. Other responding officers could not verify or deny the allegation. OCC attempts to locate other witnesses on scene were unsuccessful. County Jail medical records established that the complainant had not received the alleged injuries when booked. The preponderance of the evidence proves that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #5: The officer failed to loosen the complainant's handcuffs.

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

FINDINGS OF FACT: The officer and another officer on scene denied the complainant complained of pain due to her handcuffs. No other officer on scene could verify or deny whether the complainant requested the officer to loosen her handcuffs. Office of Citizen Complaints attempts to locate other witnesses on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he and several companions were verbally accosted by several Asian men, who then attacked them. The complainant and his friends fought back, and when police arrived, they arrested the complainant, who said he had merely been defending himself. The complainant's companions confirmed the complainant's account of the altercation. The named officer stated in the police report that he received a report of a group of men fighting, and when he arrived on the scene, he saw the complainant throw a punch into the crowd. One of the Asian men had a broken nose. The named officer's report states that the man with the broken nose stated that he did not know who hit him, but that three of his companions identified the complainant as his assailant, and that he therefore arrested the complainant. One of the Asian men stated that that he told the officers that his friend was getting beaten up. Another of the Asian men stated that he told the officers that he didn't know what happened because the altercation unfolded so quickly. He also stated that he told the officer that he and his companions did not want to press charges. Two of the Asian men and one of the complainant's companions did not respond to requests for interviews. There is insufficient evidence to prove or disprove the allegations.

SUMMARY OF ALLEGATION #2: The officer used unnecessary force on the complainant and on one of the complainant's companions.

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

FINDINGS OF FACT: The complainant stated that although he complied with the officer's commands to get on his knees, the named officer threw him to the ground and twisted his arm behind his back so forcefully that it felt like his arm would break. The named officer stated that the complainant complied with the command to get on his knees and then became verbally agitated and was yelling and screaming at the officers. The named officer stated that he had seen the complainant throw a punch into the crowd earlier, and that due to the complainant's large size and his hostile behavior, he ordered the complainant to lie down on the ground. When the complainant failed to comply, he took the complainant to the ground and handcuffed him. The named officer denied using unnecessary force. Several of the witnesses at the scene stated that the complainant and his companions were yelling at and / or acting in a hostile manner towards the officers. Given the circumstances, there is insufficient evidence to determine whether or not the named officer was justified in taking the complainant to the ground and handcuffing him. There is also insufficient evidence to determine whether the named officer used unnecessary force when he pulled the complainant's arm behind his back in order to handcuff him. The complainant and several of his

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FINDINGS OF FACT (ALLEGATION #2) Continued:

companions also stated that the named officer used unnecessary force on one of their companions, who was taken to the ground and handcuffed merely because he was attempting to retrieve his hat, which had fallen to the sidewalk. The man who was taken to the ground stated when officers arrived on the scene, they told everyone to get down, and that as he went to his knees he took a step forward and politely asked the officers for his hat. He stated that as he was in the process of putting his hands behind his head, officers threw him to the ground. One officer placed his knee on this man's back making it difficult for him to breathe. The officer who arrested the complainant's companion stated that this man failed to get on his knees when ordered to do so and walked towards the officer. The named officer stated he then took this man to the ground and handcuffed him. Several of the backup officers confirmed the named officer's account. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that after he was down on the ground, an officer told him to spit something out, then inserted a pen into the complainant's nose, causing it to bleed. The complainant's medical records confirmed an injury to the interior of his nose, and the arresting officer confirmed that the complainant's nose was bleeding at the police station. Several of the complainant's companions confirmed seeing part of the action in which an officer inserted a pen into the complainant's nose. However, neither the complainant and his companions could provide a consistent and detailed description of the officer responsible for this action, and none of them were able to identify this officer from photo spreads that included photos of all officers known to have been at the scene. All of the officers who are known to have responded to the scene denied the allegation. The co-complainant stated that as he was lying on the ground handcuffed, an officer who he could not see placed a cap belonging to one of his friends on the co-complainant's head, which he shoved down, causing the co-complainant's forehead to strike the ground. The co-complainant also stated that an officer grabbed him by the wrist and leg and dragged him to a nearby patrol car. The co-complainant was unable to identify this officer from photo spreads that included photos of all officers known to have been at the scene. The reporting officer stated that he did not know who handcuffed the co-complainant. The other officers known to have been at the scene did not recall handcuffing the co-complainant and denied using unnecessary force on him. There is insufficient evidence to identify the involved officers or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer who handcuffed him made rude comments about him being fat. Three of the complainant's companions confirmed hearing this officer direct these rude comments to the complainant. The named officer denied the allegation. Witness officers stated that none of the officers made rude or inappropriate comments. A preponderance of the evidence established that the named officer made rude comments to the complainant.

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

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

FINDINGS OF FACT: The co-complainant stated that as he was being transported to the police station, an officer made a racial derogatory comment. Office of Citizen Complaints could not conclusively identify the officers who transported the co-complainant. All of the officers known to have responded to the scene denied that any officer made a racially derogatory comment. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The co-complainant stated that one of the officers who transported him to the station uttered a profanity. Office of Citizen Complaints could not conclusively identify the officers who transported the co-complainant. All of the officers known to have responded to the scene denied that any officer used profanity. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 7: The officer took selective action.

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

FINDINGS OF FACT: The co-complainant stated that the officers took selective action by treating him and his companions differently than they treated the Asian males who were also involved in the altercation. The co-complainant stated that the officers handcuffed him and his companions but did not handcuff the Asian men and they failed to seek information from the co-complainant and his friends. The co-complainant stated that the officers took him and two of his companions to the police station but released the Asian males at the scene. The co-complainant's companions echoed his belief that they were treated differently than the Asian males. The named officer, who prepared the report and was in charge at the scene denied taking selective action. The named officer stated that he saw the complainant throw a punch into the crowd, and that one of the Asian males suffered a broken nose. The named officer stated that he handcuffed one of the co-complainant's companions because he failed to obey orders to get on his knees and walked towards the officer. The named officer stated that he handcuffed another man because he became verbally aggressive. The named officer did not know who handcuffed the co-complainant. Several of the backup officers stated that the co-complainant and his companions were uncooperative, antagonistic and were yelling at the officers, whereas the Asian males were compliant. One of the Asian men stated that the officers talked to everyone at the scene, and stated that the co-complainant and his friends were yelling insults and cursing at the officers. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer detained the co-complainant for an excessive period.

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

FINDINGS OF FACT: The co-complainant stated that he was detained and transported to the police station, where he was held for an excessive period of time before being released. Department records state that the co-complainant was detained for thirty minutes. The named officer stated that the co-complainant was transported to the station for investigation because he was involved in the fight. The named officer stated that he released two of the co-complainant's companions at the scene because he ascertained that their involvement in the fight was minimal, but that he did not make this determination about the co-complainant until after he had been transported to the station. There is insufficient evidence to determine whether the detention of the co-complainant was excessive under the circumstances.

OFFICE OF CITIZEN COMPLAINTS ADDED ALLEGATIONS:

SUMMARY OF OFFICE OF CITIZEN COMPLAINTS ADDED ALLEGATION #1: The officer failed to take required action.

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

FINDINGS OF FACT: The co-complainant stated that he was detained and transported to the police station, where he was held for an excessive period of time before being released. Department records state that the co-complainant was detained for thirty minutes. The named officer stated that the co-complainant was transported to the station for investigation because he was involved in the fight. The named officer stated that he released two of the co-complainant's companions at the scene because he ascertained that their involvement in the fight was minimal, but that he did not make this determination about the co-complainant until after he had been transported to the station. There is insufficient evidence to determine whether the detention of the co-complainant was excessive under the circumstances.

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SUMMARY OF ALLEGATIONS #1-2: The officers towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated that the named officer towed his vehicle for no reason. The named officers denied the allegations. Department records indicated that a witness reported to police seeing a vehicle with the complainant's license plate on it at the location of a burgled residence at the time of the burglary. Department records and the testimony of one named officer further indicated that the other named officer was operating under a superior officer's orders when he towed the car. The evidence proved that the acts that provided the basis for the allegations occurred; however, those acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that a Burglary inspector assigned to his case made inappropriate comments. The burglary inspector that department records and a witness officer identified as assigned to the complainant's case is retired and could not be interviewed regarding the allegations. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS 1 and#2: The officers used unnecessary force against the co-complainant.

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

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

SUMMARY OF ALLEGATIONS 3 and 4: The officers failed to provide medical attention.

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

FINDINGS OF FACT: The co-complainant said she complained of injuries. The officers denied that she made any complaint of pain or injury. The complainant said that he heard the co-complainant tell the officer she could not move. Other officers on the scene denied hearing the co-complainant complain of pain or injury. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION 5:The officer made inappropriate comments.

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

FINDINGS OF FACT: The officer admitted to making some of the alleged comments. By a preponderance of the evidence the comments made by the officer to the complainant were inappropriate.

SUMMARY OF ALLEGATION 6: The officer failed to receive a complaint.

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

FINDINGS OF FACT: The officer admitted to questioning the basis of the complainant's allegation of police misconduct but stated that he did eventually offer to take his complaint. The officer's conduct, at a minimum, delayed the filing of a complaint in violation of the Department General Orders.

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SUMMARY OF ALLEGATION 7:The officer failed to properly operate a department vehicle.

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

FINDINGS OF FACT: The officer denied the allegation. The co-complainant corroborated the statement of the complainant. Witness officers denied the alleged act occurred. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/09/06 **DATE OF COMPLETION:** 10/18/06 **PAGE# 1 of 3**

SUMMARY OF ALLEGATIONS #1, 2: The officers failed to accept a citizen's arrest.

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

FINDINGS OF FACT: The two named officers and two witness officers did not recall the incident. The investigation was unable to locate other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer and three witness officers did not recall the incident. The investigation was unable to locate other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer failed to properly display his star on his uniform.

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

FINDINGS OF FACT: The named officer and three witness officers did not recall the incident. The investigation was unable to locate other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5, 6: The officers improperly pressured the complainant not to press charges.

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

FINDINGS OF FACT: The named and two witness officers did not recall the incident. The investigation was unable to locate other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The named officers and three witness officers did not recall the incident. The investigation was unable to locate other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he was detained by officers who said he matched the description of a suspect they were seeking, but because the complainant was seated in a vehicle, he believed the officers could not tell whether his height matched that of the suspect and should not have detained him. The officers stated that they could see the complainant clearly and described the ways in which the complainant matched the physical description, as well as the behavior pattern, of the suspect. San Francisco Police Department records confirmed that the officers were actively looking for a suspect at that time, in that area, and that the complainant fit the suspect's description in a majority of his characteristics. A preponderance of the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that he was arrested for jaywalking and resisting arrest when he was not crossing the street and did not resist. The officers stated that the complainant was off the curb and refused to stay on the sidewalk, and that he exhibited other forms of resistance and obstruction. A witness did not get to the scene until after the complainant was being taken into custody. Another witness failed to come forward. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5-6: The officers failed to provide required information.

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

FINDINGS OF FACT: The complainant stated that the officers refused to tell him why they were arresting him. The officers stated that they repeatedly told the complainant why they were arresting him. A witness who got to the scene when the complainant was being taken into custody did not recall any conversation. Another witness failed to come forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer failed to promptly and politely provide his badge number.

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

FINDINGS OF FACT: The complainant stated that the officer reluctantly and rudely gave his name and star number and seemed angry that the complainant was not the suspect they had been seeking. The officer stated that he promptly and politely provided the information. A witness did not recall any conversation. Another witness failed to come forward. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer inappropriately grabbed his arm and took his cell phone to prevent him from making a call. The officer stated that he was attempting to take the complainant into custody and to handcuff him, and that the complainant was not complying with orders and was resisting attempts by the officers to do so, requiring the officer to grab his arm to put it behind the complainant's back and to remove the cell phone so he could be handcuffed. A witness arrived on scene while the handcuffing was taking place and could not specifically describe what took place. Another witness failed to come forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The officer stated that the complainant was handcuffed for safety reasons in connection with his arrest. The complainant denied the reason for his arrest. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating witness #1 decided to seek medical attention at a nearby hospital and return to the police station to file a report. The officer said he provided his name and badge number to the witness to contact him directly upon her return from the hospital. Witness #1 stated the officer did not take a report of the incident, yet she expressed a vague recollection of her conversation with the officer. Witness #2 stated the officer did not take a report, though he admitted the officer provided his name and advised them to come in the station for future contact. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to provide medical attention.

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

FINDINGS OF FACT: The officer denied the allegation, stating he offered medical assistance to witness#1. The officer said witness #1 refused an ambulance for medical attention by stating she would go directly to a nearby hospital, just as her mother had suggested. The officer said witness #1 was able to stand and walk on her own, and was not disoriented.

Witness #1 and witness #2 corroborated the officer asked if witness #1 had received medical attention. Witness #2 corroborated he heard the officer asked witness #1 if she was ok, and witness #1 responded that she was ok. The medical reports corroborate the medical condition of witness #1. The medical report stated witness #1 to be alert, lucid, and coherent, with swelling and a laceration near her eye.

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 #1: The officer used unnecessary force during a detention.

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

FINDINGS OF FACT: The officer denied the allegation, stating he placed his arm in front of the complainant and briefly grabbed his jacket to stop his forward movement. The witness officer corroborated the account of the officer, and confirmed the officer grabbed the complainant's jacket while asking him to wait. The officers were consistent in stating a strong arm robbery had just occurred at or near the location of the complainant. The complainant was observed by both officers to walk away from a cashier booth and matched the physical description of the suspect(s). There were no other witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers denied the allegation. The officers further stated they had no contact with the complainant. Department records show that the officers were on other calls at the time of the alleged contact with the complainant. The evidence proved that the named officers were not involved in the alleged act.

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

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

FINDINGS OF FACT: The officers denied the allegation. The officers further stated they had no contact with the complainant. Department records show the officers were on other calls at the time of the alleged contact with the complainant. The evidence proved that the named officers were not involved in the alleged act.

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

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

FINDINGS OF FACT: The named members denied the allegation and further stated they had no contact with the complainant. Department records show the officers were on other calls at the time of the alleged contact with the complainant. The evidence showed that the officers were not involved in the alleged act.

SUMMARY OF ALLEGATION #7-8: The officers issued an invalid order.

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

FINDINGS OF FACT: The named members denied the allegation and further stated that they had no contact with the complainant. Department Records show the officers were on other calls at the time of the alleged contact with the complainant. The evidence showed that the officers were not involved in the alleged act.

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SUMMARY OF ALLEGATION #9-10: The officers made sexually derogatory comments.

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

FINDINGS OF FACT: The officer denied the allegation and further stated they had no contact with the complainant. Department records show the officers on other calls at the time of the alleged contact with the complainant. The evidence showed that the officers were not involved in the alleged act.

SUMMARY OF ALLEGATION #11-12: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The officers stated they did not have contact with the complainant. Department records show the officers on other calls at the time of the alleged contact with the complainant. The evidence proved that the named member was not involved in the alleged behavior.

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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 officer denied the allegation, stating she had prior knowledge of a valid and current arrest warrant for the complainant. The arrest warrant showed evidence of validity. The City Attorney assigned to the case, corroborated the officer's account of the arrest warrant. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer misrepresented the truth to acquire the warrant.

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

FINDINGS OF FACT: The officer denied the allegation, stating she did not misrepresent the truth to acquire the search warrant. The evidence showed the officer attached a lengthy statement of probable cause with detailed information justifying her request for a warrant. The search warrant was reviewed and signed by a judge of the City & County of San Francisco. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #3: The officer seized the complainant's property.

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

FINDINGS OF FACT: The officer denied the allegation, stating the seizure of the complainant's property was based on a valid and justifiable search warrant designated for the address of the complainant's property. The search warrant was reviewed and signed by a judge of the City & County of San Francisco. According to police records, the complainant's property was documented and a property receipt was submitted 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

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

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

FINDINGS OF FACT: The officer denied the allegation, stating that she had no knowledge of any damage sustained to the complainant's residence or to the complainant's vehicles during the protective sweep and/or during the search. The officer stated there was no force entry made on the property. 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 #5: The officer used unnecessary force during transport.

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

FINDINGS OF FACT: The officer denied the allegation, stating he operated the patrol wagon in a reasonable and safe manner and traveled approximately 15-20 mph. The officer said he did not observe any injuries on the complainant's head. The complainant was medically evaluated and released for booking. The medical report of the complainant's injury stated the complainant sustained a minor soft tissue injury to his left head behind his ear. The report indicated there was no bleeding and no obvious trauma noted. There was no evidence of a serious injury sustained, as the complainant alleged. 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.

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

FINDINGS OF FACT: Numerous efforts were made to contact the complainant, to no avail. The complainant failed to provide additional requested evidence. No other witnesses came forward.

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

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

FINDINGS OF FACT: Numerous efforts were made to contact the complainant, to no avail. The complainant failed to provide additional requested evidence. No other witnesses came forward.

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

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

FINDINGS OF FACT: Numerous efforts were made to contact the complainant, to no avail. The complainant failed to provide additional requested evidence. No other witnesses came forward.

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

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

FINDINGS OF FACT: Numerous efforts were made to contact the complainant, to no avail. The complainant failed to provide additional requested evidence. No other witnesses came forward.

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

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

FINDINGS OF FACT: Numerous efforts were made to contact the complainant, to no avail. The complainant failed to provide additional requested evidence. No other witnesses came forward.

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

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

FINDINGS OF FACT: Numerous efforts were made to contact the complainant, to no avail. The complainant failed to provide additional requested evidence. No other witnesses came forward.

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SUMMARY OF ALLEGATION #2: The officer failed to report the Use of Force.

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

FINDINGS OF FACT: Numerous efforts were made to contact the complainant, to no avail. The complainant failed to provide additional requested evidence. No other witnesses came forward.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was detained without justification. The officer and other officers responded to an Information call from the SFFD and arrived on scene. The officer stated he detained the complainant to investigate the suspicious occurrence (arson) at the complainant's residence and to determine if a stay away order was still in effect for the complainant to stay away from that residence. The officer stated that when the stay away order was determined not to be in effect and arson investigators stated they were not responding to the scene, the complainant was released pursuant to 849BPC. There was sufficient evidence to show that the officers detention of the complainant was proper pending and arson investigation and to determine if the stay away order was in effect.

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

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

FINDINGS OF FACT: The officer handcuffed the complainant pursuant to a detention to investigate a suspicious occurrence and to determine if a stay away order was still in effect. The officer acted appropriately pursuant department regulations and policy.

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SUMMARY OF ALLEGATION #3: The officer acted inappropriately

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

FINDINGS OF FACT: The complainant stated that no police officer knocked on his door, that he was detained and not allowed to wear shoes and that that his home was not secured when he was detained. The officers stated that the SFFD was first on scene and would have made the appropriate rescue knocks. The officers stated that SFFD had contained the fire by the time the SFPD arrived on scene so there was no need for safety knocks. The officers could not recall what the complainant was wearing when the complainant was detained. The officers stated that SFFD was still on scene when the complainant was detained and the officers did not know the status of the complainant's residence when they transported the complainant from the scene. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officers ordered her to leave her brother's apartment where she had already established tenancy. One named member denied issuing such an order, but the second officer acknowledged telling the complainant to leave the apartment. According to this officer, the complainant was not on the lease in this public housing unit. Furthermore, the lease tenant from the apartment told the officers that he did not want the complainant to stay there. Given the circumstances of this incident, the officers' order was reasonable and justified.

SUMMARY OF ALLEGATION #3: The officer threatened the complainant

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

FINDINGS OF FACT: According to the complainant, the officer threatened to arrest her if she returned to the apartment. The named member denied, "threatening" the complainant but admitted telling her that she, in fact, could be arrested for trespassing if she returns to the apartment against the wishes of the lease tenant. Given the circumstances of this incident, the officer's warning to the complainant about a potential arrest was warranted and justified.

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SUMMARY OF ALLEGATIONS #4-5: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that the officers failed to properly investigate the incident and never listened to her side of the story. One officer stated that he was able to interview only the complainant's brother because the complainant was uncooperative. The other officer stated that she, in fact, spoke with the complainant and with her brother about the underlying incident. The complainant's brother did not respond to the Office of Citizen Complaints requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to provide name and star number upon request

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

FINDINGS OF FACT: The named member stated that he, in fact, told the complainant his name. The complainant's brother, who was present during this police contact, did not respond to the Office of Citizen Complaints requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7-8: The officers failed to accept a citizen's arrest

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

FINDINGS OF FACT: The named members denied that the complainant made a request for a citizen's arrest. The complainant's brother, who was present during this police contact, did not respond the Office of Citizen Complaints requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer failed to summon a supervisor.

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

FINDINGS OF FACT: The complainant could not provide the name, star number or an adequate description of the officer responsible for the alleged misconduct. The available evidence was insufficient to identify this officer and question him in connection with the incident in order to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #10: The officer misrepresented the truth

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

FINDINGS OF FACT: The complainant stated that the sergeant who spoke with her at the station introduced himself as a lieutenant. The sergeant did not recall whether he actually told the complainant that he was a lieutenant. There were no other identifiable witnesses to that part of the incident. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The sergeant failed to properly supervise.

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

FINDINGS OF FACT: The complainant stated that she informed the sergeant about subordinate officers giving her an invalid order but the sergeant did not take any corrective actions. The sergeant stated to the Office of Citizen Complaints that the complainant indeed told him that the officers ordered her to leave the apartment where she purportedly established tenancy. According to the sergeant, he spoke with the involved officers and determined that their order was based on local ordinance. The Office of Citizen Complaints review of the complainant's underlying allegation concerning the officers' "invalid order" arrived at the same conclusion, i.e. the officers acted within the law. Therefore, no corrective actions on the part of the sergeant were necessary or warranted.

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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 was arrested for drinking in public, resisting/delaying, and battery on a police officer. The complainant admitted to consuming alcohol in public, but denied resisting/delaying and battery. The complainant also admitted seeing the officer approach him and walking away. The officer said the complainant evaded and resisted arrest and that the complainant struck him. One witness said he saw the officer approach the complainant and tell the complainant that he saw him drinking beer, but that the complainant walked away from the officer. The officer had the authority to arrest the complainant for drinking in public and resisting/delaying.

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

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

FINDINGS OF FACT: The complainant said that the officer grabbed him, threw him on the ground, and pushed him into a glass door. He said a plainclothes officer stomped on his head and then ran away. The complainant denied resisting. The officer denied using excessive force. Witnesses stated the complainant was not physically resisting, but their statements were inconsistent. The plainclothes officers were not identified and there were no other witnesses. There is insufficient evidence to establish the level of force necessary to take the complainant into custody.

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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 his hat and keys were missing. The officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated a plainclothes officer stomped on his head; however, the incident report did not identify any of the backup officers who may have used force while taking the complainant into custody. The officer stated that the missing information was not included because he felt it was not necessary, that this was his arrest, and that he reported the use of force and it was logged. The SFPD Report Writing Manual Section 10 Writing the Narrative states: "... all known information about the incident must be included. An accurate and comprehensive narrative must, as applicable: Identify all involved persons and describe their actions prior to, during, and after the incident. List all statements." The officer did not comply with the requirement of the San Francisco Police Department Report Writing Manual Section 10.

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SUMMARY OF ALLEGATION #6: The officers failed to report the use of force.

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

FINDINGS OF FACT: The incident report did not mention the use of force by plainclothes officer. The officer was not identified because the officer who wrote the report did not document this information in the report and it was not included in the CAD. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 7: The officer failed to make an entry into the Use of Force Log.

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

FINDINGS OF FACT: There was no entry to the UOF Log for Tactical Division for 4/1/05 to 4/15/05. On his interview date, the officer submitted a copy of the 3/16/05 to 3/31/05 UOF Log which contained an entry for the officer's use of force made by a Lieutenant. There was no other entry by any other officer regarding this incident. There is insufficient evidence to prove or disprove the allegation.

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

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

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

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

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

FINDINGS OF FACT: The officer stated that the complainant was placed into custody due to the level of his intoxication. Another officer on scene could not verify or deny the allegation. There is no other known witness so the evidence is insufficient to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/06 **DATE OF COMPLETION:** 10/29/06 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #3: The officer used inappropriate, threatening, intimidating comments and behavior.

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

FINDINGS OF FACT: The officer denied the allegation and another officer on scene could not prove or disprove the allegation. There were no other known witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated and the preponderance of the evidence established that San Francisco Police Department, Department Bulletin No. 04-084 does not address situations where officers make field arrests of 647(f) P.C. and the Sheriff's Department transport such prisoners from the field directly to County Jail for booking. San Francisco Sheriff's Department is known to discard public intoxication reports that San Francisco Police Department officers provide. Therefore, the allegation proves that the act occurred but the lack of specific policy or procedures to delineate San Francisco Police Department officer's duties constitutes a **Policy Failure**.

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DATE OF COMPLAINT: 05/15/06 **DATE OF COMPLETION:** 10/30/06 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant identified the named officer from a photographic array as the officer who swore at him repeatedly. The named officers acknowledged extensive discussion with the complainant but denied using profanity. Four witness officers denied hearing the named officer use profanity but all of them said they were not present during all the alleged verbal exchanges with the complainant. Two other witnesses corroborated the complainant's account. 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 #2: The officer made inappropriate comments and displayed inappropriate behavior.

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

FINDINGS OF FACT: The named officer denied the allegation. Four witness officers denied witnessing the alleged conduct. Two other witnesses stated that they did not witness the conduct, but all stated they were not present during some alleged exchanges. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to provide star number on request.

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

FINDINGS OF FACT: The complainant stated the named officer refused to provide his star number. The named officer stated he did give his star number. One witness officer said he did not hear the complainant ask for the star number. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer failed to return a driver's license to the complainant's friend after running it. The named officer acknowledged receiving the driver's license, and stated that he mistakenly failed to return the driver's license until the person reported it missing. 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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DATE OF COMPLAINT: 05/18/06 **DATE OF COMPLETION:** 10/29/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-3: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that responding officers improperly ordered him to leave his residence or be charged with trespassing, instead of treating the matter as a civil case and directing that lawful eviction proceedings be followed. The officers stated that the complainant failed to provide any proof of residence, and that their investigation produced no evidence to support his claim that it was a civil, not a criminal manner. They stated that they interviewed other residents who confirmed that the complainant was not a tenant. The complainant acknowledged that he provided no relevant documentation to the officers, and he supplied the Office of Citizen Complaints with paperwork in which he provided information to other agencies that conflicted with the information he gave the Office of Citizen Complaints, supporting an officer's report that he changed his story several times as he spoke with her. The owner of the residence corroborated the officers' statements. Independent witnesses failed to come forward. A preponderance of the evidence proves that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer made certain inappropriate remarks. The officer denied having made the statements. No independent witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 06/01/06 **DATE OF COMPLETION:** 10/30/06 **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: The complainant was unable to identify the detaining officers. A witness provided the name of one officer allegedly involved in the detention. The officer named by the witness denied being involved in the detention. Department records established that the officer named by the witness was not on-watch at the time of the incident. The investigation was unable to identify any officer involved in the incident. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The investigation was unable to identify the officer. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officers made false statements, threatened him and have acted inappropriately when having any dealings with the complainant. All officers denied the allegation. Evidence gathered during the investigation show that the officers acted appropriately, and lawfully.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/12/06 **DATE OF COMPLETION:** 10/18/ 06 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not threaten the complainant with additional charges. The officer admitted inquiring if the complainant had ever been arrested to verify her identity through the computer checks to locate her record. The officer said he asked the complainant if she was threatening him after she proclaimed, "You're gonna pay for this." The officer explained that he needed to clarify the meaning of her threatening statement. The witness officer corroborated the account of the named officer that he did not threaten the complainant. The witness failed to cooperate with the OCC investigation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he used the rear bent wrist hold, a department trained controlling technique, to assist and walk the complainant to the patrol car. The officer said the complainant refused to walk and tightened her legs. The officer explained they were in a dangerous location, in the street near the driver's door. The officer stated no force was used on the complainant. The witness officer corroborated the account of the named officer, that the complainant was non-compliant. The witness officer stated the named officer did not use force, only a physical control to escort the complainant to the patrol car. The witness failed to cooperate with the OCC investigation. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer used profanity towards the complainant.

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

FINDINGS OF FACT: The officer denied the allegation, stating he did not use profanity towards the complainant. The witness officer corroborated that Officer Ly did not use any profanity to the complainant. Both officers stated the complainant was yelling and screaming profanities during the incident. The witness failed to cooperate with the OCC investigation. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating the complainant did not complain to him about anything. The officer said he did not take a complaint, because no complaint was ever made to him. The officer said he had limited contact with the complainant. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/19/06 **DATE OF COMPLETION:** 10/19/06 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant and co-complainant said that the officer behaved inappropriately. The officer denied the allegation. There is insufficient evidence to reach a dispositive finding.

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

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

FINDINGS OF FACT: The complainants questioned the officer's motivation for issuing them citations. The officer denied that his motivations were retaliatory. There is insufficient evidence to reach a dispositive finding.

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SUMMARY OF ALLEGATION #3: The officer failed to provide his name upon request.

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

FINDINGS OF FACT: The complainants stated that the officer was asked for his name and did not provide it. The officer said he was asked for his star number and he provided it. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation. The complainant suffered from a pre-existing injury to her arm/elbow. A witness officer denied that the named member grabbed and twisted the complainant's arm. Medical records document a pre-existing injury and subsequent treatment for pain to her arm and wrist. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer improperly searched the complainant.

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

FINDINGS OF FACT: The officer denied improperly searching the complainant. The complainant's description of the search did not indicate any improper touching. A witness officer denied any inappropriate touching by the named member. The evidence proved that the act which provided the basis for the allegation occurred; however, said act was proper.

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SUMMARY OF ALLEGATION #3: The officer filed false charges against the complainant.

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

FINDINGS OF FACT: The complainant admitted to the acts for which she was charged. The victim confirmed telling the responding officers of actions by the complainant that formed the basis for the charges against her. There was probable cause to support the charge.

SUMMARY OF ALLEGATION #4: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant was not questioned after she was placed into custody/arrested, therefore no Miranda warnings were violated.

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

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

FINDINGS OF FACT: Before the OCC investigation was completed, the named member resigned from the Department and became unavailable for questioning and potential discipline.

SUMMARY OF ALLEGATION #2: The officer conducted herself in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: The named member denied the alleged misconduct. There were no identifiable witnesses to the complainant's contact with the officer. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named members denied the allegation. Prolonged criminal and civil litigations regarding the underlying incident adversely affected witnesses' recollection of the event and their statements lacked sufficient cross-corroboration. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5-8: The officers used excessive force during the arrest.

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

FINDINGS OF FACT: The named members denied the allegation. Prolonged criminal and civil litigations regarding the underlying incident adversely affected witnesses' recollection of the event and their statements lacked sufficient cross-corroboration. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer threatened to harm the complainant.

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

FINDINGS OF FACT: The involved members denied threatening the complainant. Prolonged criminal and civil litigations in regards to the underlying incident adversely affected witnesses' recollection of the event and their statements lacked sufficient cross-corroboration. The available evidence was insufficient to positively identify the member responsible for the alleged misconduct and to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer handcuffed the complainant without cause.

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

FINDINGS OF FACT: The involved members did not remember who handcuffed the complainant. Prolonged criminal and civil litigations in regards to the underlying incident adversely affected witnesses' recollection of the event and their statements lacked sufficient cross-corroboration. The available evidence was insufficient to positively identify the member responsible for the alleged misconduct and to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11: The officer exhibited an inappropriate behavior at the scene.

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

FINDINGS OF FACT: The involved members denied the alleged misconduct. Prolonged criminal and civil litigations in regards to the underlying incident adversely affected witnesses' recollection of the event and their statements lacked sufficient cross-corroboration. The available evidence was insufficient to positively identify the officer and to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The officer misrepresented the truth.

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

FINDINGS OF FACT: The named member denied the alleged misconduct. Three other officers involved in this police contact, in essence, supported his statement. Prolonged criminal and civil litigations in regards to the underlying incident adversely affected witnesses' recollection of the event and their statements lacked sufficient cross-corroboration. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #13: The officer used profanity at the scene.

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

FINDINGS OF FACT: The named member denied the alleged misconduct. Three other officers involved in this police contact, in essence, supported his statement. Prolonged criminal and civil litigations in regards to the underlying incident adversely affected witnesses' recollection of the event and their statements lacked sufficient cross-corroboration. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #14: The officer interfered with the rights of on-lookers.

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

FINDINGS OF FACT: The named member denied the alleged misconduct. Three other officers involved in this police contact, in essence, supported his statement. Prolonged criminal and civil litigations in regards to the underlying incident adversely affected witnesses' recollection of the event and their statements lacked sufficient cross-corroboration. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to follow the Department Policy on Use of Force.

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

FINDINGS OF FACT: Before the OCC investigation was completed, the named member resigned from the Department and became unavailable for questioning or discipline.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers used unnecessary force during an arrest.

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

FINDINGS OF FACT: The officers described the physical control holds they said were used upon the complainant and stated they were necessary because the complainant resisted their attempts to take him into custody. The complainant stated the officers used force with no provocation. No independent witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers stated they arrested the complainant because he exhibited signs of intoxication and inability to care for himself and because he resisted being taken into custody. The complainant denied that he was drunk or that he fought against being taken into custody. No independent witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5-6: The officers failed to provide names/star numbers upon request.

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

FINDINGS OF FACT: The officers denied hearing the complainant ask any of them for their names or star numbers. No civilian witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The description of the officers involved in the alleged misconduct that was provided by the complainant and her witness was insufficient to identify those members and question them in connection with this case. Without such interviews, the available evidence was inconclusive to make a definitive finding of the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officers arrested him for a criminal act he did not commit. The officers stated that they accepted a private person's arrest when their investigation produced evidence that the crime had been committed. San Francisco Police Department records established that a citizen did sign a private person's arrest, and that evidence was gathered to support her claim. The investigation established that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #3-5: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that the officers refused to speak to a neighbor who would have vouched for him and accepted another individual's allegations without evidence to support them. The officers stated that they knocked on doors, trying to find witnesses, without success. An officer said he asked for the complainant's consent to search his apartment for the caustic substance alleged to have been used in an attack, but was denied entry. Officers stated that they interviewed the victims, took the clothing they had been wearing into evidence, and checked out the area where the attack occurred. No civilian witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

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

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

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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 stated the officers never arrived at her location to assist with a dispute with the security at a Shopping Center. The Department Records show that the officers did show up to the location about an hour after the complainant had called because they had been sent to a higher priority call but the complainant was no longer there.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was stopped and detained for no reason. San Francisco Police Department records show the officers responded to a dispatch call that a male was stalking a female. The officers all stated that the complainant's location, physical and clothing description fit the description broadcast by dispatch. The officers stated they detained the complainant to investigate the possible alleged crime. The evidence showed that the act alleged did occur, however said act was proper and lawful when the officers detained the complainant.

SUMMARY OF ALLEGATION #3: The officers conducted a search without justification.

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

FINDINGS OF FACT: The complainant stated the officer pat searched him when the officer touched his clothing and the pockets of his clothing. The named officer and other witness officers stated the complainant was pat searched incident to a detention for officer safety. All officers stated the complainant was agitated, uncooperative and wearing layered clothing that could conceal a weapon. The evidence showed that the act alleged did occur, however said act was proper and lawful.

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SUMMARY OF ALLEGATION #4: The officers failed to provide required information.

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

FINDINGS OF FACT: Complainant stated he asked officers why they were bothering him and the officers offered no explanation. During his Office of Citizen Complaints taped interview, the complainant later recalled the officers telling him the contact was about a woman. The named officer and witness officers stated the complainant was told why he was being detained because of the complaint from the woman in the laundromat. The complainant's admission that he knew the detention was about a woman indicates the officers explained the reason for the detention. The evidence proved that the act alleged in the complaint did not occur. The preponderance of evidence indicates the complainant was told the reason for the detention.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged that the officer was dismissive, rude and unprofessional and acted in a homophobic manner towards him. The officer denied 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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SUMMARY OF ALLEGATION #1: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The officer denied the allegation, stating he informed the complainant that a property owner may enter an adjacent property without permission, to make emergency repairs to his property to mitigate an emergency. Further, that the trespass law states there must be an occupation of the property with intent to damage the property or its occupants. The officer said he made contact with the owner of the ladder. The owner in turn, contacted the worker to remove the ladder. The officer said he returned awhile later and the ladder had been removed.

The officer stated his demeanor was professional and he resolved the conflict between the homeowner and the complainant. At the time of the incident, the complainant was satisfied with the outcome. The complainant admitted there was no hostile action taken against him.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

:

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SUMMARY OF ALLEGATION #1/2: The officer failed to investigate.

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

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

SUMMARY OF ALLEGATION #3/4: The officer was rude and behaved inappropriately.

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

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

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DATE OF COMPLAINT: 07/14/06 **DATE OF COMPLETION:** 10/18/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officer's exhibited intimidating and harassing behavior toward the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/06 **DATE OF COMPLETION:** 10/22/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Numerous efforts were made to contact the complainant, to no avail. The complainant failed to provide additional requested evidence. No other witnesses came forward.

SUMMARY OF ALLEGATION #:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT
AMENDED - 12/13/07**

DATE OF COMPLAINT: 07/20/06 **DATE OF COMPLETION:** 10/22/06 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: Unwarranted Action for issuing a citation without cause.

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

FINDINGS OF FACT: The complainant, a taxi driver, stopped her taxi in a bus zone to unload a passenger. She was issued a citation by an San Francisco Police Department officer for violating San Francisco Traffic Code Section 62A that prohibits any vehicle from parking or stopping in a bus zone. The San Francisco Department of Parking and Traffic has a written policy that permits taxicabs to pickup and drop off passengers in the bus zones. San Francisco Police Department's Taxicab Detail has also endorsed this practice of permitting taxi drivers to pick up and drop off passengers in the bus zone. Because of conflicting practices and procedures, the finding is a policy failure. The OCC recommends that the Taxi Commission, the Municipal Transportation Agency, and the Taxi Detail of the San Francisco Police Department meet with any other relevant stakeholders to formulate a written policy concerning taxicab use of bus zones.

SUMMARY OF ALLEGATION #2: Conduct Reflecting Discredit for inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant stated that the officer yelled at her and at her passenger, and threatened her with a moving violation she did not deserve. However, she did not have the passenger's name, or any means of contacting her passenger, and she knew of no other witnesses. The officer denied the allegations. He also did not know of any witnesses. There is insufficient evidence to prove or disprove the allegation.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT
AMENDED - 12/13/07

DATE OF COMPLAINT: 07/20/06 **DATE OF COMPLETION:** 10/22/06 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: Unwarranted Action for interfering with the rights of an onlooker.

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

FINDINGS OF FACT: The complainant stated that the officer told her passenger to leave. However, she did not have the passenger's name, or any means of contacting her passenger, and she knew of no other witnesses. The officer denied the allegations. He also did not know of any witnesses. There is no way 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: 07/21/06 **DATE OF COMPLETION:** 10/18/06 **PAGE# 1 of 3**

SUMMARY OF ALLEGATION #1: The officer prolonged a detention without justification.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/06 **DATE OF COMPLETION:** 10/18/06 **PAGE# 2 of 3**

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

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

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

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

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

FINDINGS OF FACT: The complainant admitted she was aware that her headlamp was not functioning. The complainant said she felt harassed by being made to sit in the middle of the street in the middle of the night. She stated the officers abused their authority by failing to complete the traffic stop in a timely manner. The SFPD CAD #062010277 recorded the traffic stop to take approximately eighteen minutes from start to close. The named officer denied the allegation, stated the traffic stop was made, due to the complainant's car having an inoperable headlamp. The officer stated he was the cover officer and had no verbal communication with the complainant. The witness officer corroborated that the traffic stop was completed in a timely manner, with everyone's safety in mind. The named officer and the witness officer stated they were professional during the traffic stop. The witness officer stated the complainant was not harassed and that no officer flaunted their authority at the complainant's expense. The evidence proved that the acts alleged in the complaint did not occur. No other witnesses came forward.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/06 **DATE OF COMPLETION:** 10/18/06 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #5: The officer prolonged the detention without justification.

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

FINDINGS OF FACT: The officer denied the allegation, stating the complainant was stopped for a traffic violation and detained by the primary officer for a citation. The named officer said he was the cover officer during the detention. The named officer stated according to the SFPD CAD, the traffic stop was approximately eighteen minutes from start to close, not forty minutes as alleged by the complainant. The witness officer corroborated that the detention was eighteen minutes long, as evidenced by the CAD documentation. The witness officer said this is the average time for any veteran officer to complete a citation.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he was the cover officer and did not communicate with the complainant. The witness officer corroborated that the named officer did not communicate with the complainant. There were no other witnesses.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/06 **DATE OF COMPLETION:**10/30/06 **PAGE#**1 of 1

SUMMARY OF ALLEGATION #1: Officer driving improperly.

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

FINDINGS OF FACT: The complainant stated he was driving on the fast lane of I-80 Eastbound when he noticed a police car behind him with emanating red lights. Complainant believed that he was being pulled over by California Highway Patrol so he decided to pull over to the right shoulder. Complainant said the patrol car passed over him at a high rate of speed. Officer denied the allegation. There were no witnesses. The investigation failed to disclose sufficient 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: 07/28/06 **DATE OF COMPLETION:** 10/25/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on 10/19/06.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/06 **DATE OF COMPLETION:** 10/16/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 11, 2006.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/02/06 **DATE OF COMPLETION:** 10/19/06 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer exhibited a rude and intimidating manner.

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

FINDINGS OF FACT: The complainant stated the officer was discourteous and disrespectful to both him and his daughter during a traffic citation stop. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/06 **DATE OF COMPLETION:** 10/30/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: After being arrested for robbing a bank, the complainant alleged that \$247.00 in cash and a \$300.00 money order were missing from her personal property. An officer stated he recovered \$245.00 in cash from the complainant that was booked as evidence. There was no evidence that the complainant was in possession of a \$300.00 money order. However, the complainant was found to be in possession of \$300.00 worth of stolen Traveler's checks. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that the officer told her not to call 911 anymore and for her to call the district station instead. The officer stated that the complainant dialed 911 while he was present and he told her to call the station instead if she wanted to make a complaint. The CAD indicates that the sergeant told dispatch to refer the complainant's calls to the station. The sergeant also made an entry in the CAD for dispatch to refer her calls to the station because she may be the reportee who appeared not to be grounded in reality. ECD staff stated that San Francisco Police Department superior officers could put a 24-hour hold on calls for any person impeding emergency services. However, that excludes medical and fire emergencies the person may have. The complainant admitted to dialing 911 in the officer's presence for the same issue as the officer was attempting to respond to. The officer's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/06 **DATE OF COMPLETION:** 10/18/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to write an Incident Report.

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

FINDINGS OF FACT: The preponderance of the evidence established that the complainant's report to the officer did not constitute a crime. Moreover, there was no physical evidence to support her report that a bucket was thrown or accidentally landed on the bridge of her nose from a multi story building. Therefore, the officer's actions were lawful and proper.

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 and there was no known witness who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/02/05 **DATE OF COMPLETION:** 10/19/06 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainants (homicide victim's family) stated the officers failed to collect fingerprints or follow up on leads provided to them by the family. The officers denied the allegation, stating the collection of fingerprints was requested and reported and all suspect leads were followed up. The evidence gathered was insufficient to determine the thoroughness of the San Francisco Police Department investigation, especially due to the homicide Incident Report and homicide inspectors' chronological report not being made available to this investigation as the officer contended that their investigation is ongoing. Thus, there was insufficient evidence to either prove or disprove the thoroughness of this homicide investigation.

SUMMARY OF ALLEGATION #4-5: The officers failed to provide required information.

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

FINDINGS OF FACT: The complainants stated the officers failed to keep them abreast of the ongoing homicide investigation into the death of their son. The officers denied the allegation, stating they had a number of conversations with the complainants and returned all their calls. Under Homicide Division Unit Order 03-07, the officers had a duty to maintain monthly communication with the homicide victim's family, which they admitted was not done. However, the officers contended they had no knowledge of the order, which their supervisor admitted to be likely true. Thus, the evidence proved that the action complained of was the result of inadequate or inappropriate training; or an absence of training when viewed in light of Departmental policy and procedure.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/02/05 **DATE OF COMPLETION:** 10/19/06 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #6-7: The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainants stated there were police officers – both uniformed and in plainclothes – who attended their son’s funeral without any prior notification to the family. The identity of the alleged officers has not been established. There is insufficient evidence to either 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: 08/11/06 **DATE OF COMPLETION:**10/30/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged he shouted at an individual, who had been harassing him, when the officers approached and took him into custody for public intoxication. The officers denied the allegation, stating they noticed no individual harassing the complainant and took him into custody based upon their observations (i.e., signs of the complainant's inebriation). There were no identified witnesses available to this investigation. There is insufficient evidence either to prove or disprove the allegations.

SUMMARY OF ALLEGATION #3: The officer exhibited rude behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged the officer told him he was under arrest for annoying people and then roughly handcuffed the complainant and threw him into the patrol wagon. The officer denied the allegation. There were no identified witnesses available to this investigation. There is insufficient evidence either to prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/15/06 **DATE OF COMPLETION:** 10/28/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant requested the withdrawal of her complaint from Office of Citizen Complaints investigation.

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

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

FINDINGS OF FACT: The complainant requested the withdrawal of her complaint from Office of Citizen Complaints investigation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/06 **DATE OF COMPLETION:** 10/22/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant is a juvenile. The complainant and his guardian failed to respond to repeated contact attempts. Without their cooperation, the matter could not be properly investigated.

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

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

FINDINGS OF FACT: The complainant is a juvenile. The complainant and his guardian failed to respond to repeated contact attempts. Without their cooperation, the matter could not be properly investigated.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/06 **DATE OF COMPLETION:** 10/30/06 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he asked for the complainant's cell phone and the complainant relinquished the cell phone to him. The officer stated he asked the complainant numerous times, in a nice manner, to end his cell phone conversation and speak with the sergeant on scene. The sergeant said he asked the complainant several times to end his cell phone conversation to assist in the investigation of the incident. Three witness officers corroborated the account of the officer and the sergeant's request to the complainant to end his call and cooperate. An independent witness observed the officer and sergeant request the complainant to end his cell phone conversation 6-7 times. The witness corroborated that the complainant failed to comply with the officers and ignored their request. The witness observed the officer take the cell phone from the complainant. The witness stated it was necessary, due to the volatile domestic dispute at hand. 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 comments.

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

FINDINGS OF FACT: The OCC investigation was unable to determine which officer made this comment, if any at all. Three witness officers denied the allegation, stating they did not make any comment to the complainant regarding being lucky for receiving a ticket, rather than being taken to jail. There is insufficient evidence to prove or disprove the allegation made in the complaint. There were no witnesses.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/06 **DATE OF COMPLETION:** 10/30/06 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3-6: The officers used unnecessary force during an arrest.

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

FINDINGS OF FACT: The officers denied the allegation, stating the force was necessary to restrain and arrest the complainant. The battered officer said the complainant became violent and struck him in the chest with a closed fist. The witness officers corroborated the complainant strike the battered officer in the chest and observed the complainant continue to advance towards the battered officer. One of the officers confirmed that he performed an Academy approved rear leg sweep on the complainant to take the complainant down before he attacked another officer or citizen. Two witness officers corroborated the officer's account of the rear leg takedown on the complainant. All the officers corroborated the complainant resisted and fought the officers during their attempts to handcuff the complainant. The independent witness at the scene corroborated that the complainant became belligerent towards the officer and struck the officer in the chest. The independent witness stated it took three officers to get the complainant to the ground to attempt to put handcuffs on him. The witness said the complainant was violently kicking, twisting, fighting and putting up a struggle with the officers. The witness stated the force was necessary to arrest the complainant. He said the complainant was out of control and the officer showed incredible tolerance. The complainant admitted that he might have struck the officer on his thigh while reaching for his cell phone. The complainant's injuries were diagnosed as abrasions. The injuries were sustained while the complainant was restrained and handcuffed during the arrest. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper. The evidence proved that the alleged act did occur, however, said act was proper.

SUMMARY OF ALLEGATION #7: The officer issued a citation without cause.

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

FINDINGS OF FACT: The officer denied the allegation, stating he issued the citation to the complainant for the crime he witnessed at the incident. The officer said he was instructed by his sergeant to complete the citation for the complainant. The independent witness officers on the scene corroborated the violations issued on the citation to the complainant. The witness likewise corroborated the offenses violated by the complainant. The complainant and his father were equally cited for battery, being that the officers could not determine the aggressor in their domestic dispute. The evidence showed that the alleged act occurred, however, said act was lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/06 **DATE OF COMPLETION:** 10/18/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer and his partner stated that after the complainant was lawfully detained, he was not complying with simple commands to not move around, stand still, and keep his hands out of his pockets. Therefore, the officer stated that the complainant was handcuffed for five minutes in order to complete the citation process. There was no witness present to verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer and his partner stated that they observed the complainant drinking from an open twelve ounces can of Budweiser beer in violation of 21 M.P.C. There was no independent witness who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/06 **DATE OF COMPLETION:** 10/22/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The facts which served as the basis of this allegation do not raise to the level of misconduct. The complainant acknowledged that it was unreasonable for the officer to answer her questions given there was an open homicide investigation. The officer's conduct was lawful and proper.

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

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

FINDINGS OF FACT: The evidence established by clear and convincing evidence that San Francisco Police Department members were not present or involved in the circumstances leading to the death of the complainant's husband.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/06 **DATE OF COMPLETION:** 10/29/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to follow procedures detailed in DGO 5.15.

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

FINDINGS OF FACT: The officer denied asking the complainant for any documents regarding her immigration status. 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 #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. There were no witnesses 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: 08/20/06 **DATE OF COMPLETION:** 10/19/06 **PAGE # 1 of 1**

SUMMARY OF ALLEGATION #1: The officer(s) arrested an individual without cause.

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

FINDINGS OF FACT: The complainant failed to provide an interview or information/evidence essential to a competent investigation of his OCC complaint.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/06 **DATE OF COMPLETION:** 10/18/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The officer stated that he responded to the complainant's place of business at the behest of a lieutenant who received a call from an employee of the National Football League. This employee was acting as liaison between the complainant and an NFL player who purchased merchandise from the complainant. The complainant acknowledged that he had refused to forward the merchandise to the NFL employee. The officer's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/01/06 **DATE OF COMPLETION:** 10/18/06 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/08/06 **DATE OF COMPLETION:** 10/18/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The investigation was unable to disclose the identity of the officer involved in the alleged conduct.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/06 **DATE OF COMPLETION:** 10/18/06 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The investigation was unable to identify the officer involved in the alleged conduct.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/06 **DATE OF COMPLETION:** 10/22/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: For recording the complainant's license plate without justification.

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

FINDINGS OF FACT: This complaint raises matters outside OCC" jurisdiction. The complaint has been referred to:
SFPD Management Control Division
850 Bryant Street, Room 545
San Francisco, CA 94103
(415)553-1091

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/06 **DATE OF COMPLETION:** 10/22/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant did not stop for a person in a crosswalk, by his own admission. There is probable cause for the officer to have cited him for this violation. The evidence proves that the act which provides the basis for the allegation occurred, however, the act was 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: 08/29/05 **DATE OF COMPLETION:** 10/18/06 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated the officer ordered a resident out of her own home without justification. The officer denied the allegation. The one prospective witness to this incident was not made available to this investigation. There is insufficient evidence either to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2 The officer used unnecessary force at the scene.

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

FINDINGS OF FACT: The complainant stated the officer shoved a juvenile resident without justification. The officer denied the allegation. The one prospective witness to this incident was not made available to this investigation. There is insufficient evidence either to prove or disprove the allegation.

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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 during the course of the parole search. The officer denied the allegation. There were no witness accounts to this incident. There is insufficient evidence either to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-5: The officers detained the complainant at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated the officers detained her at gunpoint. The officer denied the allegation. There were no witness accounts available to this investigation. There is insufficient evidence either to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6-7: The officers entered the residence without justification.

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

FINDINGS OF FACT: The complainant stated the officers had no reason to enter her residence. The officers denied the allegation, stating they had a right to enter the residence to conduct a parole search, given their knowledge that the complainant's boyfriend was on parole and resided there, a friend of her boyfriend was arrested outside the house just prior to the search and attempted to alert the residence's occupants, and the residence was a known ganghouse. While California State case law supports the officers' entry into the residence to conduct a parole search on the above facts, the OCC investigation did not have sufficient evidence to corroborate what the officers knew before they undertook the search. The only witnesses to this incident were unavailable to this investigation. Thus, there is insufficient evidence either to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8-9: The officers failed to comply with knock-notice requirements.

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

FINDINGS OF FACT: The complainant stated the officers entered her residence without any notice. The officers denied the allegation, stating they loudly knocked and announced their presence before entering the residence. The only witnesses to this incident were unavailable to this investigation. Thus, there is insufficient evidence either to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #10-11: The officers conducted an improper search of the residence.

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

FINDINGS OF FACT: The complainant stated the officers searched her residence without justification or cause. The officers denied the allegation, stating they were conducting a permissible parole search under prevailing California State law. The OCC investigation did not have sufficient evidence to corroborate what the officers knew before they undertook the search so as to determine the validity of the residential search. There is insufficient evidence either to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated she moved her car into the street to allow her neighbor to exit the garage. The officer stated the complainant was blocking the roadway and he issued her a citation for violation of CVC 22500H. The evidence showed that the act alleged did occur, however said act was proper and lawful.

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

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

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

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SUMMARY OF ALLEGATION #1: The officer made inappropriate comments

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

FINDINGS OF FACT: The complainant stated that, during a traffic stop, the officer made threatening comments to intimidate the complainant. The named member denied making the alleged comments. His partner supported this statement. There were no other identifiable witnesses to this police contact. 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 required actions.

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

FINDINGS OF FACT: The complainant stated that he was arrested on an outstanding CDC warrant when the officer responded to the store manager's emergency call. According to the complainant, the manager's call contained "false" information and the arrest was unjustified because police did not have to respond to the emergency calls based on "false" information. The Office of Citizen Complaints found that the Communications indeed dispatched the officer to the store on an "A" priority call for police assistance. Therefore, the officer's presence in the store was legitimate and his subsequent actions, i.e. warrant check and the complainant's arrest, were proper and within the Department rules.

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:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that she came from Tunnel Road and proceeded to Bayshore Avenue when an officer pulled her over and issued her a citation for traveling in the bicycle lane. The officer stated he cited the complainant for traveling in the bicycle lane. The complainant admitted she drove in the bicycle lane for only a moment as she merged onto Bayshore Avenue. The evidence proved that the act that provided the basis for the allegation did occur, however said act was lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer was rude and aggressive during their contact. The complainant further stated the officer exercised poor judgment when he pulled her vehicle over precariously close to moving traffic thus placing her and her passengers in an unsafe position. The officer denied the allegation and stated that he explained to the complainant why she was stopped, however the complainant was unhappy about the stop and the citation. There were no independent witnesses to the contact. The evidence was insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #2: The officer failed to give his name and number.

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

FINDINGS OF FACT: The complainant stated she asked for the officer's name and star number. The officer denied that the complainant asked for this information and denied the allegation. There were no independent witnesses to the allegation. The evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

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SUMMARY OF ALLEGATION #3: The officer used excessive force during the arrest and while in custody.

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

FINDINGS OF FACT: The complainant withdrew her complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer caused a painful detention.

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

FINDINGS OF FACT: The complainant stated officers were standing over a handcuffed prisoner with the prisoner's head leaning against a wall. The complainant stated the prisoner did not show any signs of pain or discomfort. The officers could not be identified during the investigation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: