

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/01/09 **DATE OF COMPLETION:** 12/18/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant did not provide evidence that he promised to provide. The officer stated he had cause to cite. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant did not provide evidence that he promised to provide. The officer stated he had justification to detain. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer searched the car without cause. The officer stated he searched the car for the registration card. There is insufficient evidence to prove that the search was necessary or exceeded the scope of that stated by the officer.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** During his incomplete OCC interview, the complainant stated that he had tinted windows. This is a violation of CVC section 26708.5 and the officer acted properly to cite him for this. There was probable cause for the other violation the complainant was cited for as well, as he was cited for excessive sound amplification, and the complainant admitted he was playing his car radio before being stopped. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** During his incomplete OCC interview, the complainant stated that he had tinted windows. This is a violation of CVC section 26708.5 and the officers acted properly to detain him for this. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant's cell phone cut off before the OCC investigator could question him about this. He did not contact the OCC again to complete the interview, although we had obviously been cut off mid-sentence. The complainant did not provide information to investigate this part of his complaint. The officers denied misconduct regarding this allegation. The complainant did not contact the OCC in response to our request for contact, and failed to provide evidence to continue the investigation.

**SUMMARY OF ALLEGATION #5:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant's cell phone cut off before the OCC investigator could question him about this. He did not contact the OCC again to complete the interview, although we had obviously been cut off mid-sentence. The complainant did not provide information to investigate this part of his complaint. The officer denied misconduct regarding this allegation, and the witness officer stated to OCC that he did not witness his partner using profanity. The complainant did not contact the OCC in response to our request for contact, and failed to provide evidence to continue the investigation.

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**SUMMARY OF ALLEGATION #6-7:** The officers made inappropriate and threatening comments.

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

**FINDINGS OF FACT:** The complainant's cell phone cut off before the OCC investigator could question him about this. He did not contact the OCC again to complete the interview, although we had obviously been cut off mid-sentence. The complainant did not provide information to investigate this part of his complaint. The officers denied misconduct in their Member Response Form's regarding this allegation. The complainant did not contact the OCC in response to our request for contact, and failed to provide evidence to continue the investigation.

**SUMMARY OF ALLEGATION #:**

**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 alleged he was detained without justification. The incident report shows that the complainant was detained after the officers witnessed him being kicked by a female, later identified as the complainant's girlfriend. The report further shows that the complainant and the female appeared to be arguing. The complainant's account of what led to his detention was relatively consistent with what was articulated in the incident report. However, the complainant stated he was not kicked. The complainant said, "She made a gesture to kick me, but she didn't kick me." The Office of Citizen Complaint's investigation establishes that the officers had reasonable suspicion to detain the complainant and his girlfriend. The evidence proved that the act, which provided the basis for the allegation, occurred. However such act was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #3-4:** The officers used unnecessary force on the complainant during the detention.

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

**FINDINGS OF FACT:** The complainant alleged that officers grabbed his arms, pulled his hair, attempted to take him down to the ground, and placed their body weight on his head. The complainant stated that he refused to go down. The complainant's girlfriend stated that it was not until another unit came to assist did the complainant go down. The officers stated that the complainant was non compliant and resistive when they attempted to handcuff him and had to use force in order to detain him. Department General Order 5.01(F)(1)(c) states that officers may use force in the performance of their duties to effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention. No other witnesses came forward. The evidence proved that the acts, which provided the basis for the allegation, occurred; however such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer threatened him. The officer did not recall the incident. The witness statement conflicted with the complainant's statement. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated the officer should have taken a report and arrested her neighbor for threatening her. The officer stated that the incident between the complainant and her neighbor was a civil matter. A witness officer denied that the complainant asked for a report or asked that her neighbor be arrested. The neighbor admitted yelling at the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer detained the complainant pursuant to Welfare and Institutions Code Section 5150. The officer handcuffed the complainant so he could conduct an investigation. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.



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**SUMMARY OF ALLEGATION #3:** The officer searched the complainant's residence and/or personal property without cause.

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

**FINDINGS OF FACT:** The complainant stated the officer searched her apartment and her purse. The officer conducted a search pursuant to Welfare and Institutions Code Section 5150 and in accordance with Department General Orders. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #4:** The officer displayed inappropriate behavior and made inappropriate comments due to bias.

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

**FINDINGS OF FACT:** The complainant alleged that the officer engaged in inappropriate behavior and made inappropriate comments toward her. The officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #5:** The officer detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated the officer had no reason to detain her. The officer denied the allegation. The officer determined that the complainant could be a danger to others and needed a medical evaluation. An independent witness stated the complainant had threatened her neighbor. 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 #6:** The officer searched the complainant.

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

**FINDINGS OF FACT:** The complainant stated the officer did a light pat down search prior to putting her in the police car and that the officer asked her if she had any weapons. The officer is no longer available and subject to Department discipline.

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**SUMMARY OF ALLEGATION #7:** The officer displayed inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated the officer tightened the handcuffs prior to her being placed in the back seat of the patrol car. The officer is no longer available and subject to Department discipline.

**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 co-complainant without justification.

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

**FINDINGS OF FACT:** The named members stated that they detained the co-complainant because they observed him riding a bicycle on the sidewalk in violation of section 96 of the San Francisco Traffic Code. In his Office of Citizen Complaints statement, the co-complainant acknowledged that he indeed was riding his bicycle on the sidewalk at the time of the incident. Given the co-complainant's admission, the officers' decision to stop and detain him regarding a violation of San Francisco Traffic Code was justified, reasonable and proper.

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

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

**FINDINGS OF FACT:** The co-complainant stated that the officer pushed him off of the bicycle and kicked him on the chest. The named member denied using the alleged force against the co-complainant. His partner supported this statement. There were no other identifiable witnesses to this part of the occurrence. In the course of the investigation, the Office of Citizen Complaints obtained evidence that called into question the veracity of the co-complainant's credibility. Overall, the available evidence was insufficient to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #4-5:** The officers used profane language at the scene.

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

**FINDINGS OF FACT:** The named members denied using the alleged profane language during this police contact. Two other officers present at the scene supported their statements. There were no other identifiable witnesses to this part of the occurrence. In the course of the investigation, the Office of Citizen Complaints obtained evidence that called into question the co-complainant's credibility. Overall, the available evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #6-7:** The officers acted inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The named members denied acting in the alleged manner. Two other officers present at the scene supported these statements. There were no other identifiable witnesses to this part of the occurrence. In the course of the investigation, the Office of Citizen Complaints obtained evidence that called into question the co-complainant's credibility. Overall, the available evidence was insufficient to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #1:** The officers searched a residence without justification.

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

**FINDINGS OF FACT:** The officers executed a search warrant at the complainant's address, looking for a narcotics trafficker known to reside at the complainants' address. During the execution of the warrant, the officers entered and searched the complainants' studio apartment, a unit located at the back of a large security gate and tunnel entrance to a single family residence. The officers also searched the rest of the residence, located upstairs. The Office of Citizen Complaints learned the entire residence can only be accessed through the security gate. During their surveillance, San Francisco Police Department Narcotics officers observed the suspect access the residence through this same gate. This information was included in the Narcotics Officer's Statement of Facts in his request for the search warrant and was subsequently signed off by a San Francisco Superior Court Judge. The Tactical Division had the right to rely on the warrant's statement of facts when they executed the search 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 detained the complainant at gunpoint without justification.

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

**FINDINGS OF FACT:** The complainant stated the first officer through the door of his residence detained him at gunpoint. The officer admitted he detained the complainant at gunpoint, stating he was carrying out a high-risk search warrant. The officer was searching for an individual who lived at the complainant's address. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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**SUMMARY OF ALLEGATION #3:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated the first officer through the door of his residence told him to "Get the fuck on the ground." The complainant's wife was asleep at the time. The officer denied the allegation. There were no other witnesses. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The named officer denied the allegation, acknowledging some of the comments and behavior, but asserting that he was neither inappropriate nor out of San Francisco Police Department policy. Three witness officers and another witness denied the allegation. One witness confirmed some of the actions and statements by the named officer but those statements did not rise to the level of misconduct. Department records indicated that the officer's actions as alleged did not violate Department regulations. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer displayed a rude demeanor.

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

**FINDINGS OF FACT:** The named and two witness officers denied the complainant's allegation. One witness who said he was present at the time of some of the alleged contacts said the officer was "responsible" and spoke without anger. A review of the alleged instances of rudeness suggested the demeanor did not rise to the level of misconduct. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.



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**SUMMARY OF ALLEGATION #3:** The officer engaged in selective enforcement.

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

**FINDINGS OF FACT:** The named officer denied the allegation, stating that he conducted himself as he does in all incidents and that while he is responsible to write an opinion for the department, he did not have the authority to impose his suggested approach. He further explained that each such incident is unique and requires a specific review and response. Witness interviews, a review of the laws and regulations governing how the department conducts the operations for which the named officer is responsible, as well as interviews with superior officers and supervisors, indicated the named officer acted within department guidelines. The evidence showed also that the authority for approving the officer's actions lies with bodies outside the department. The evidence proved that the acts, which formed the basis of the allegations, occurred; however, such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant said he believed that the named officer had acted inappropriately but did not supply any evidence. The named and three witness officers denied the allegation, stating the named officer was not responsible for and did not engage in the actions alleged, and that he did not act or speak inappropriately. Two other witnesses who were familiar with the actions of the named officer, including the alleged recipient of the actions in this situation said they knew of no evidence of inappropriate behavior. The evidence proved that the acts alleged in the complaint did not occur or that the named officer was not involved in the acts alleged.

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**SUMMARY OF ALLEGATION #5:** The officer engaged in selective enforcement.

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

**FINDINGS OF FACT:** The named officer and three witness officers denied the allegation, stating that the named officer had no ultimate authority over what the complainant alleged the officer's actions resulted in. The evidence proved that the acts, which provided the basis for the complaint, occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #6:** The officer behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The named and two witness officers denied any inappropriate behavior and comments. The named officer acknowledged one of the alleged comments, but the comment did not rise to the level of misconduct. One witness said he did not know if the named officer made one of the alleged comments, and said on one occasion he was not present for the alleged conversation and actions. No other witnesses came forward. There was insufficient evidence to either identify the officer involved or to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #7:** The officer engaged in selective enforcement.

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

**FINDINGS OF FACT:** The named and three witness officers denied the allegation, stating that procedure, past practice and agencies outside the department called for the named officer to make a recommendation. A review of laws and Department policy indicated the named officer's suggested course of action was reviewed and approved by a body outside the Department. Witness interviews and a review of the laws and procedures concerning the allegation indicated the officer took no inappropriate actions by making an authorized recommendation. The evidence proved that the acts, which formed the basis of the allegations, were lawful, justified and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer seized the complainant's personal property without cause.

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

**FINDINGS OF FACT:** The complainant stated he was at a demonstration where a confrontation between a large number of demonstrators and police officers occurred. The complainant alleged that an unidentified officer on the other side of the barricades pulled a duffle bag from his body. A public video posted on the Internet did not depict the complainant wearing a duffle bag across his shoulders before or after the confrontation occurred. There was no other evidence to substantiate that an officer seized a duffle bag from the complainant's torso. All officers identified were questioned and denied they seized the alleged duffle bag from the complainant. There were no other known 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 used excessive force during the event.

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

**FINDINGS OF FACT:** The complainant alleged that an unidentified officer on the other side of police barricades pulled a duffle bag from his body, and possibly caused an abrasion on the back of his head. There was no evidence to substantiate that the complainant was wearing a duffle bag across his shoulders during this demonstration or that an officer seized a duffle bag from the complainant's torso. The public video shows police activity other than what the complainant has alleged. All officers questioned denied they seized a duffle bag from the complainant or that they engaged in any use of force against the complainant. There were no other known witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that he was not issued a property receipt for the alleged seizure of his property. An unidentified officer directed him to contact the hall of justice. The complainant said that he instead called several police stations but his property could not be located. There was no evidence of the seizure and his duffle bag was not among the documented items seized during this demonstration. There is insufficient evidence to either prove or disprove the allegation.

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**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that the officer's behavior and comments during her interview were inappropriate. The officer denied the allegation. Three witnesses on scene could neither confirm nor deny the allegation, because they did not understand Cantonese. Three other witnesses stated they did not witness the conversation. Office of Citizen Complaints attempts to interview an additional witness on scene were unsuccessful. 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 #1-4:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that she was driving a vehicle and doing nothing wrong when the officers detained her. Two plainclothes officers in an unmarked vehicle stated that they observed the complainant driving a vehicle. Due to their past contacts and knowledge of the complainant, the officers knew the complainant did not have a valid California Driver's License. The plainclothes officers radioed for a marked unit to effect a traffic stop on the complainant. Two uniformed officers in a marked unit responded and detained the complainant in a traffic stop. The investigation showed that the complainant did not have a valid driver's license at the time of this detention. The evidence proved that the act alleged occurred, however the officers acted lawfully and properly when they detained the complainant to investigate the status of her driving privilege that in fact was suspended.

**SUMMARY OF ALLEGATION #5-6:** The officers displayed their firearms without justification.

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

**FINDINGS OF FACT:** The complainant stated that two uniformed officers pointed their firearms at her during a traffic stop. The two named officers stated that they were aiding an unmarked unit by effecting a traffic stop for that unit. The named officers stated that they heard a male voice call out over the low band radio a "10-30" Stolen Vehicle/Wanted Person just as they were stopping the suspect vehicle. The officers believed that the vehicle they were stopping was the "10-30" vehicle and thus for officer safety drew their firearms as trained as this would have been a felony stop. Immediately thereafter, the plainclothes officers notified the named officers that the stop was for a traffic violation only and that the stopped vehicle was not stolen. The officers promptly holstered their firearms within seconds of making the traffic stop. The two plainclothes officers stated they heard the same call go out over the radio but could not determine who made the call. The officers stated that Northern Station, where they are assigned, shares a radio band with Park Station. The officers speculated that the "10-30" call was a "bleed over" call from Park Station. The investigation showed that the officers acted reasonably, properly and within Department procedures and policy for officer safety when they drew their firearms after hearing a call that the vehicle was a stolen vehicle just as they were stopping a vehicle.

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**SUMMARY OF ALLEGATION #7:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated that the officer used excessive force when she twisted the complainant's arm behind her. The officer denied the allegation and stated that she grabbed the complainant's arm to place her into custody. The officer denied using excessive force. The officer stated that she grabbed the complainant's wrist to handcuff her only. No independent witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #8-9:** The officers placed tight handcuffs on the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the officers placed the handcuffs on her in too tight a manner. The officers denied the allegation. No independent witnesses came forward. There is insufficient evidence to prove or disprove the allegation.



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**SUMMARY OF ALLEGATION #10:** The officer conducted a vehicle search without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officer searched her vehicle without cause. The named officer stated she conducted an inventory search on the complainant's vehicle prior to having the vehicle towed. The complainant was being cited for driving a vehicle on a suspended or revoked license. Pursuant to relevant parts of Department General Orders 9.01 and 9.06, this violation mandated that the vehicle be towed. As such, it is department policy to conduct an inventory search of all vehicles that are to be towed. The evidence established that the act alleged did occur, however the officer acted properly and lawfully under Department General Orders when she conducted an inventory search of the vehicle prior to a mandated towing of that vehicle.

**SUMMARY OF ALLEGATION #11:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant stated that she had done nothing wrong and that the officer issued her a citation without cause. The named officer stated she issued the complainant a citation for a violation of CVC 14601a - driving on a suspended/revoked license. Department of Motor Vehicle Records showed that the complainant's license was suspended. During the traffic stop, the complainant stated she provided the officer with her California Photo Identification card and not a California Driver's License. The evidence proved that the act alleged did occur, however, the act of issuing the complainant a citation for driving on a suspended/revoked license was proper and lawful.

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**SUMMARY OF ALLEGATION #12:** The officer towed the complainant's vehicle without justification.

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

**FINDINGS OF FACT:** The complainant stated that her vehicle was towed for no reason. The officer said that she was mandated to tow the complainant's vehicle because the complainant was driving on a suspended/revoked license. Department General Order 9.06 - 2. A.(2) states in relevant part that officers "shall" tow a vehicle when the driver is cited for driving on a suspended or revoked license. The vehicle cannot be released to anyone at the scene. The evidence showed that the act alleged did occur, however said act was proper and lawful under Department General Orders.

**SUMMARY OF ALLEGATION #13:** The officer comments and behavior were inappropriate.

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

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

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**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to enter the required traffic stop data information pursuant to Department Bulletin 08-268.

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

**FINDINGS OF FACT:** The Office of Citizen Complaints conducted an investigation to determine if the officer had complied with Department Bulletin 08-268 – Collection of Traffic Stop Data. The investigation showed that the officer did not make the required entry regarding the traffic stop. Department records were requested to confirm that the entry had been made. The Department responded stating there were no documents responsive to the request. The officer was interviewed by Office of Citizen Complaints and stated it was her responsibility to enter the information because she had observed the violation that was committed, she requested that the traffic stop be effected and she wrote and issued the citation to the complainant. The officer admitted to Office of Citizen Complaints that she failed to complete the required entry. A preponderance of the evidence proved that the officer was negligent in her duties when she failed to collect and enter the required E585 traffic stop date collection information.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

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

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

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

**FINDINGS OF FACT:** The officer said he did not believe that he responded to the park and believes he was misidentified. However department records show that the named member did transport the victims to the scene of the assault. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer said he witnessed another officer take a statement from the complainant. Witnesses observed officers speaking to the complainant at the scene but could not attest to the entire content of the conversation. One of the officers at the scene is no longer with the department. There is insufficient evidence to reach a definitive finding.

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

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

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

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

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

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

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

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

**FINDINGS OF FACT:** The officer said he did not believe that he responded to the park and believes he was misidentified. However department records show that the named member did transport the victims to the scene of the assault. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #7:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** The officer did not recall making the alleged comment. There were no witnesses to the alleged comment. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #8:** The officer conducted a biased investigation.

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

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

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**SUMMARY OF ALLEGATION #9:** The officer conducted a biased investigation.

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

**FINDINGS OF FACT:** The officer said he did not believe that he responded to the park and believes he was misidentified. However department records show that the named member did transport the victims to the scene of the assault. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #10:** The officer conducted a biased investigation.

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

**FINDINGS OF FACT:** The officer denied the allegation. Witnesses at the park said the suspect's dog attacked the victim's dog and the suspect then attacked the victims. The victims admitted to pepper spraying the suspect but did so only to protect their dog and themselves from the aggression of the suspect's dog and the suspect himself. There is insufficient evidence to reach a definitive finding.



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**SUMMARY OF ALLEGATION #11:** The officer made an arrest without cause.

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

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

**SUMMARY OF ALLEGATION #12:** The officer made an arrest without cause.

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

**FINDINGS OF FACT:** The officer said he did not believe that he responded to the park and believes he was misidentified. However department records show that the named member did transport the victims to the scene of the assault. The complainant has alleged that the police report documenting the alleged assault contained omissions, contained mistakes and or were fabricated. The named member contends that he was misidentified. There is insufficient evidence to support a definitive finding.

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**SUMMARY OF ALLEGATION** #13: The officer wrote an inaccurate report.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated when the officer attempted to handcuff her, he slammed her into a wall and twisted her arm. The officer responded to a shoplifting incident wherein the complainant had been taken into custody by security. The officer said the complainant failed to comply with his commands to cease using her cell phone and resisted and fought the officer, when the officer placed the complainant into handcuffs. The officer felt he used the proper amount of force due to the resistance of the complainant. Two independent witnesses corroborated that the complainant was physically and verbally combative toward the officer. One of the independent witnesses assisted the officer with gaining control of the complainant. Video surveillance of the incident showed the complainant resisting the officer's attempts to detain her. The evidence considered regarding this allegation is inconclusive as to the reasonableness of the degree of force used by the officer.

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

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

**FINDINGS OF FACT:** The complainant stated the officer did not offer medical attention for her wrist injury, which she said resulted from being handcuffed. The officer stated he offered the complainant medical attention several times. Two independent witnesses corroborated that the officer offered the complainant medical attention, and the complainant declined the offer. The evidence proved that the acts alleged in the complaint did not occur.

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

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

**FINDINGS OF FACT:** The complainant stated that during the detention the officer made inappropriate comments. The officer denied the allegation. The independent witnesses did not hear the officer make any inappropriate comments. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to comply with DGO 5.01

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

**FINDINGS OF FACT:** The complainant complained of pain to her right wrist as a result of being handcuffed. The officer offered medical attention to the complainant. The complainant declined the offer of medical attention several times. Two independent witnesses heard the complainant decline the officer's offer of medical attention. According to Department General Order 5.01, the officer is to notify his supervisor whether there is an injury so that the supervisor can make an entry into the use of force log. There is no mention in the Department General Order that an officer must notify his supervisor or document the use of force log for a complaint of pain. The complainant never complained of an injury, only pain to her wrist. The officer was not able to determine that the complainant was injured based on her complaint of pain. The evidence proved that the act by the member was justified by the departmental 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 OCC ADDED ALLEGATION #2:** The officer failed to supervise.

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

**FINDINGS OF FACT:** The officer detained the complainant for a shoplifting incident. The complainant complained of pain from the detention, and the detaining officer offered medical attention. The complainant declined the medical attention. The detaining officer did not notify his supervisor of the incident because he was not aware of any injury. According to Department General Order 5.01, the officer is to notify his supervisor if there is an injury so that the supervisor can make an entry into the use of force log. After viewing the video surveillance, the supervisor was not able to determine the complainant was injured and did not believe this incident warranted an entry into the use of force log. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF OCC ADDED ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that SFPD officers gave her a “piece of paper” with the “reference” number for the incident instead of a standard form. The OCC found that the incident involving the complainant did not result in a written report and the complainant was issued a Computer Assisted Dispatch (CAD) number versus the report number, which is indeed normally provided to individuals on a standardized Reportee Follow-up Form. The department does not have a standardized form for issuance of CAD, therefore the officers’ decision to provide the CAD number to the complainant using an available piece of paper was reasonable. The evidence proved that the acts, which provided the basis for the allegation occurred; however, given that the department does not have a standardized form, the officers’ actions were reasonable.

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

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

**FINDINGS OF FACT:** The complainant refused to identify and provide contact information for a witness who was present at the scene of this occurrence. The OCC found that the star number, which, according to the complainant, belonged to the officer involved in the alleged misconduct, is assigned to a member from a specialized department unit, who was not working at the time of this incident. The available evidence was insufficient to identify the officer responsible for the alleged misconduct and to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #4:** The officer used sexual slur towards the complainant.

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

**FINDINGS OF FACT:** The complainant refused to identify and provide contact information for a witness, who was present at the scene of this occurrence. The OCC found that the star number, which, according to the complainant, belonged to the officer involved in the alleged misconduct, is assigned to a member from a specialized department unit who was not working at the time of this incident. The available evidence was insufficient to identify the officer responsible for the alleged misconduct and to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #5:** The officer failed to comply with DGO 2.01 (14)

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

**FINDINGS OF FACT:** The complainant refused to identify and provide contact information for a witness who accompanied her during the incident. The officer, whose star number was provided to the OCC by the complainant, stated that he was working in the district at the time but had no contact with the complainant that day. The officer's unit history was inconclusive to determine whether he could or could not have any contacts with the complainant on the day of the incident. The available evidence was insufficient to either name any member or to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #6:** The officer acted in an inappropriate manner and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant refused to identify and provide contact information for a witness who accompanied her during the incident. The officer, whose star number was provided to the OCC by the complainant, stated that he was working in the district at the time but had no contact with the complainant that day. The officer's unit history was inconclusive to determine whether he could or could not have had any contacts with the complainant on the day of the incident. The available evidence was insufficient to either name any member or 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 engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated she observed a traffic stop wherein she believed the officer had racially profiled a Latino male driving the stopped vehicle. The complainant asked the driver why he was stopped and the driver replied he did not know why the stop had occurred. Witnesses provided conflicting evidence regarding the reasons for the stop. The motorist did not respond to OCC's interview requests. The officer stated he saw a flag hanging from the vehicle's rear view mirror in violation of CVC 25708(a). There were no other known witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OCC ADDED ALLEGATIONS:**

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to make the required traffic stop data entry.

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

**FINDINGS OF FACT:** The unit the officers were assigned to received conflicting instructions concerning the requirements for recording traffic stop data. These requirements have been subsequently clarified by the Commander of the Traffic Company and Priority A Department Bulletin 08-268 (Additional Traffic Stop Data Collection Program Information). The evidence demonstrates that the action complained of was the result of a **Training Failure** and that the officers should be retrained on traffic stop data collection procedures.

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

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

**FINDINGS OF FACT:** The complainant alleged the officers detained him without cause. The officers stated that they responded to a call for service regarding a possible criminal act performed by the complainant. The officers stated that they contacted the complainant to investigate the merit of the call. The officers carried out their duty to investigate a possible criminal act reported to them in their district. No witnesses came forward. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATIONS #3-4:** The officers displayed their weapons without justification.

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

**FINDINGS OF FACT:** The complainant alleged that the officers pointed their guns at him. The officers stated that they had their weapons drawn because they were responding to a call regarding a person with a gun. According to DGO 5.02, officers are not prohibited from drawing or exhibiting their firearms in the line of duty when an officer reasonably believes it necessary for his/her own safety or for the safety of others. No witnesses came forward. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer searched his vehicle. The complainant acknowledged that the named officer did not search his vehicle and gave the officer's partner permission to search his vehicle. The evidence proved that the act alleged in the complaint did not occur, or that the named member was not involved in the act alleged.

**SUMMARY OF ALLEGATION #6:** The officer searched the complainant's vehicle without justification.

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

**FINDINGS OF FACT:** The complainant alleged the officer searched his vehicle without justification. The complainant acknowledged that he gave the officer permission to search his vehicle. The officer stated that the complainant gave him permission to search. The evidence proved that the act, which provided the basis for the allegations, occurred; however, such act was justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer searched him without justification. The complainant acknowledged that he gave the officer permission to search him. The officer stated that the complainant gave him permission to search. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer searched him without justification. The complainant acknowledged that the named officer's partner searched him. The evidence proved that the act alleged in the complaint did not occur, or that the named member was not involved in the act alleged.

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**SUMMARY OF OCC ADDED ALLEGATIONS #1-2:** The officers failed to comply with DGO 5.03.

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

**FINDINGS OF FACT:** The OCC alleged that the officers failed to provide the complainant with a certificate of release and write an incident report documenting the detention. After reviewing the department records, the contact between the complainant and the officers was not prolonged. The contact took less than ten minutes. The complainant was neither handcuffed nor transported away from the scene. The evidence proved that the act alleged in the complaint did not occur, or that the named member was not involved in the act alleged.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated he shouldn't have been arrested, because he was the victim in the incident. The complainant admitted he accidentally struck his wife with a cordless phone. The officer stated he determined the complainant struck his wife with a phone in a verbal argument. The witness failed to respond to Office of Citizen Complaints interview requests. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant said his wife made verbal threats towards him; however, the police failed to consider this information. The officer denied the allegation. The officer had another officer interview the complainant's wife in Mandarin via telephone interpreter service. The officer conducted an investigation and based on the investigation determined the complainant had committed a crime when he struck his wife with a phone. The witness didn't provide her statement due to a lack of response. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #3:** The officer failed to Mirandize the complainant.

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

**FINDINGS OF FACT:** The complainant stated his rights were “depleted” because he wasn’t Mirandized by the arresting officer. The officer stated during the preliminary investigation, questions were asked of the complainant and victim in order to determine if a crime had occurred. The officer said once the complainant was determined to be a suspect, he asked no further questions and therefore the complainant wasn’t Mirandized. The witness didn’t respond to Office of Citizen Complaints requests for a statement. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #4:** The officer failed to provide access to the Language Line Services for the complainant.

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

**FINDINGS OF FACT:** The complainant said he was “depleted” of his right to the Language Access service. The complainant stated Mandarin is his native language. The complainant said he writes and speaks English but felt more comfortable speaking in his primary language. The officer stated the complainant did not request a Mandarin language interpreter at the scene. The witness did not respond to Office of Citizen Complaints requests for a statement. Other officers on scene didn’t hear the complainant request for a Mandarin Speaker. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATIONS #5:** The officers failed to take action.

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

**FINDINGS OF FACT:** The complainant stated he went to a police station in order to make a police report regarding threats made by his wife. The complainant said two unknown uniformed female officers refused to complete a police report. The officer and a civilian at the station stated they did not recall an incident with the complainant. The complainant stated he did not have any further information on the officers. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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**SUMMARY OF ALLEGATION #1:** The officer threatened the complainant due to racial bias.

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

**FINDINGS OF FACT:** The Filipino complainant stated that an officer saw him walk by a Latino street vendor and assumed the complainant was associated with the vendor. The complainant said the officer threatened to take him to jail if he returned to the area. The complainant said the officer made a biased assumption and his threatening remark was inappropriate. The officer and his partner denied the allegation and said their only contact was with the fruit vendor. The officer also stated that an unidentified Latino construction worker across the street spoke in Spanish with the vendor, and then yelled at his partner that he would allow the vendor to throw the fruit boxes in the back of his truck until the vendor was picked up at a later time. The officer stated that the license plate queried by his partner belonged to the construction worker's truck. The Office of Citizen Complaints requests to interview the people using the vehicle in question were not successful. There were no other witnesses who could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

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

**SUMMARY OF ALLEGATION #2-3:** The officers failed to take a report.

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

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

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**DATE OF COMPLAINT:** 04/16/09    **DATE OF COMPLETION:** 12/31/09    **PAGE #2 of 3**

**SUMMARY OF ALLEGATION #4-5:** The officer detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated the officers attempted to 5150 her but she did not fit the criteria. The officers denied the allegation. The officers stated that this was a medical call where the complainant was complaining of pain to legs and feet. The CAD documents that the complainant mentioned being injured and not receiving help. There were no witnesses at the time that the complainant was with the officers. There is insufficient evidence to prove or disprove that the officers detained the complainant for a 5150 versus a medical call for treatment of complainant's pain to legs and feet.

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

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

**FINDINGS OF FACT:** The complainant stated the handcuffs were tight and as a result she had redness and pain on her wrists. The officers denied the allegation. There is insufficient evidence to either prove or disprove that the redness on the wrists were due to tight handcuffing or complainant's movements during the time she was handcuffed.

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**OCC Added Allegation**

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

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

**FINDINGS OF FACT:** The officer denied that the complainant was handcuffed, therefore, there was no need to issue a Certificate of Release. The witnesses corroborated that the complainant was handcuffed. The CAD documents that the complainant waited about 40 minutes in handcuffs. The patient record documents that she was handcuffed. Per Department General Order 5.03 officers must issue a Certificate of Release when a person is detained for a prolonged time.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 04/22/09 **DATE OF COMPLETION:** 12/03/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated she wanted the other party charged with an assault and not a battery. Based on his investigation which included interviews and written statements obtained from involved parties and witnesses, the officer determined that the incident was a battery and not an assault as defined in the California Penal Code. The officer said he determined the complainant to be a victim when the investigation showed that the subject used willful and unlawful physical force on the complainant when the subject struck the complainant. The subject was placed under arrest for a misdemeanor battery, cited and released pursuant to DGO 5.06. The evidence proved that the act alleged occurred, however, said act was proper and appropriate under the Department General Orders and the California Penal Code.

**SUMMARY OF ALLEGATIONS #2-3:** The officers failed to make a custodial arrest.

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

**FINDINGS OF FACT:** The complainant stated the primary officers should have made a custodial arrest of the other party. The complainant said she didn't ask the officers for a Citizen's Arrest nor did she follow up on the Citizen's Arrest form after the incident. The officer said a custodial arrest was not needed because the subject was cited and released at the scene for a misdemeanor charge of battery 242PC. The officers stated that pursuant to DGO 5.06, the other party was arrested, released, and cited at the scene due to a misdemeanor battery. Under the circumstances, the officers are not required to make a custodial arrest unless they determined that the offense would continue or the safety of persons or property would be imminently endangered by the release of the party. The evidence showed that the act alleged occurred, however, said act was proper and lawful pursuant to Department General Orders.

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**SUMMARY OF ALLEGATIONS #4-5:** The officers failed to protect the victim's confidentiality.

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

**FINDINGS OF FACT:** The complainant said she was the victim in this incident and wanted her personal information confidential and not released to the other party. The complainant admitted she didn't ask the officers to redact her personal information. The complainant said she was not aware there was an exchange of driver's information by the officers. The officers stated they investigated a traffic accident and a battery incident. The officers issued to the complainant a San Francisco Police Department form 19 Collision Information Exchange and a San Francisco Police Department form 105. Pursuant to DGO 9.02 H & I, the officers were to assure proper collision exchange information between the involved parties and the incident report required contact information for victims, witnesses, and suspects. The evidence proved that the acts that provided the basis for the allegations occurred, however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 04/18/09      **DATE OF COMPLETION:** 12/03/09      **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The officer issued a traffic citation to the complainant for having a non-working headlight, as confirmed by the officer's partner. Additionally, the officers had continuous visual contact with the vehicle until they pulled the driver over to the side of the road. The complainant denied having a non-working headlight. At the time of his traffic stop, he requested the officer to take a second look at both headlights to support the complainant's contention the headlights were working. The officer refused. The complainant subsequently went to the police station that same day, and other police officers at the station certified both headlights were working. A copy of an invoice disclosed that two days later, the complainant had vehicle maintenance performed at a car dealership. A check at that time determined both headlights were working. There were no independent witnesses to the traffic stop. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer issued a citation to the complainant and detained the complainant due to racial bias.

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

**FINDINGS OF FACT:** The complainant alleged he was detained and issued a traffic citation because of his ethnicity. The officer denied issuing the citation on the basis of racial bias. The officer said he cited the complainant for the traffic infraction the complainant committed. The officer, who issued the citation, and his partner, said they both observed the traffic infraction at the same time. They initially could not determine the ethnicity of the driver since it was nighttime. The citing officer said it was not until he and the complainant had verbal communication with each other that the officer could guess at the complainant's ethnicity. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer detained the complainant due to racial bias.

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

**FINDINGS OF FACT:** The complainant alleged he was detained because of his ethnicity. The officer denied this. The officer said he and his partner observed the complainant's traffic infraction at the same time. Both officers initially could not determine the ethnicity of the driver since it was nighttime. The officer said he got out of his patrol car and provided back-up to his partner who issued the citation. Consequently, the officer never got a good look at the complainant and did not know the complainant's ethnicity. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4-5:** The officers displayed inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant alleged the officers yelled at him and embarrassed him when the complainant got out of his vehicle to prove to the officers both headlights were working on the complainant's vehicle. The officers refused the complainant's request to take a second look at the headlights. The complainant said the citing officer told him he would take the complainant to jail if the complainant did not sign the citation. Both officers said that for safety reasons, they would have commandingly asserted the complainant to get back in his vehicle, and the officers would not have stepped in front of the vehicle to take a second look at the headlights. Although the citing officer could not explicitly remember, the citing officer said he would have told the complainant he could be taken to jail if he refused to sign the citation. There were no independent witnesses. There was 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 said the named officer alleged that he had stolen the license plate tabs on his car. The named officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant said the named officer failed to view documents that proved he was in compliance with the law. The named officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer detained the complainant due to bias.

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

**FINDINGS OF FACT:** The complainant said he was doing nothing illegal and had paid the registration on his car and thus he should not have been pulled over. He said further that the officer pulled him over because he was a black man in an expensive car. The named officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer seized the complainant's license plate without cause.

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

**FINDINGS OF FACT:** The complainant stated that the license plate on his car had been properly registered and thus should not have been seized as illegal, but supplied no evidence that the sticker had been obtained for the subject vehicle. The named officer denied the allegation, stating that the complainant's license plate bore a registration sticker that was expired and unsupported by the record held by the Department of Motor Vehicles. No witnesses came forward. The evidence proved that the facts, which provided the basis of the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The named officer denied the allegation, stating that the complainant's vehicle was not currently registered and thus department policy and practice dictate the car to be towed. No witnesses came forward. The evidence proved that the facts, which provided the basis of the allegation, occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #6:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant alleged that he should not have been cited because he had paid money to the Department of Motor Vehicles to register his car, and that registration was pending; however, he was unable to provide documentation that he had properly obtained the sticker that was on the license plate. The named officer denied the allegation, stating that the complainant was cited because his vehicle was not currently registered and bore a registration sticker that was not supported by the Department of Motor Vehicle record associated with the car. No witnesses came forward. The evidence proved that the facts, which provided the basis of the allegation, occurred; however, such acts were justified, lawful and proper.

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**SUMMARY OF OCC added ALLEGATION #1:** The officer failed to comply with department regulations for documenting a traffic stop.

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

**FINDINGS OF FACT:** The named officer acknowledged that he failed to take required steps to record data under the Department's E585 data collection procedure. No witnesses came forward. 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, that conduct was improper.

**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 and her husband without justification.

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

**FINDINGS OF FACT:** The officers denied the allegation. The named officers said they received a radio broadcast of a possible drunk driver last seen driving in the Parkside area. The broadcast stated the driver was a Caucasian male driver approximately 30 years of age, wearing a cowboy hat who was seen getting into a moving van with a possible out of state license plate. The officers observed a moving van with a similar out of state license plate traveling in the same general area. The driver was a Caucasian male and approximately 30 years of age. Due to the similar description of the possible drunk driver, the timeframe and direction of travel, the complainant and her husband were stopped. The named officers stated they conducted an investigative stop on the vehicle. The computer aided dispatch record corroborated the account of the initial broadcast of a possible drunk driver. Department Records in conjunction with the officers statement show that the complainant's husband was not handcuffed, transported away from the scene and that the officers investigation was of limited duration. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION # 3:** The officer failed to state the reason for the detention.

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

**FINDINGS OF FACT:** The officer denied the allegation. He explained the reason for the investigative stop prior to asking the complainant's husband to turn his ignition off and to exit his vehicle. The witness officer and the complainant's husband corroborated the officer explained the reason for the stop. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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**SUMMARY OF ALLEGATION #4:** The officer searched the personal property of the complainant.

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

**FINDINGS OF FACT:** The complainant said the officer asked to search her purse prior to releasing her from an ongoing investigative detention. The complainant stated she allowed the officer to look inside her purse. The officer denied the allegation. The officer said she asked the complainant if she could look in her purse and the complainant agreed. The officer looked inside her purse for officer safety reasons and to check for weapons prior to releasing the complainant from an ongoing investigative detention. There were no other witnesses. The evidence proved that the acts, which provided the basis for the allegation, occurred; the act was justified as the complainant admitted she consented to the search.

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

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

**FINDINGS OF FACT:** The complainant said the officer searched the van to see if there was a cowboy hat or alcoholic beverages in the car. The officer stated she did not search the vehicle. Rather, the officer said she visually inspected the vehicle for the hat matching the broadcasted description and weapons. Based on the probable cause for the investigative detention, the vehicle could be legally searched if an officer had probable cause to believe evidence might be inside. 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 #6:** The officer made an inappropriate comment

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

**FINDINGS OF FACT:** The complainant stated the officer requested her private identification number prior to releasing her from an ongoing investigative detention. The complainant stated she did not provide the requested information to the officer. The officer denied the allegation. She requested the complainant's name, address, and date of birth prior to her leaving in case she needed to be listed on a police report or contacted later. The officer said if a person does not have identification with them, she would sometimes request their identification number to match to their place of birth, date of birth or driver's license number. The witness officer corroborated that it is common practice to request biographical information of witnesses for incident reports. The witness officer stated an individual is under no obligation to supply the requested information. There were no 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 conducted a traffic stop without cause.

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

**FINDINGS OF FACT:** The complainant stated he was pulled over for failing to stop at a stop sign, which he denied. The officers denied the allegation. There were no witnesses. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #3-4:** The complainant's detention was prolonged without cause.

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

**FINDINGS OF FACT:** The complainant stated he was delayed for an unreasonable amount of time, twenty minutes, for this traffic stop. The officers denied the allegation. The CAD documents that the traffic stop took a total of 13 minutes.



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**SUMMARY OF ALLEGATION #5-6:**The officers exhibited inappropriate behavior and made inappropriate comments due to racial bias.

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

**FINDINGS OF FACT:** The complainant stated that the officers' inappropriate manner and questions lead him to believe that he was racially profiled. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #7:** The officer failed to provide his name and star number upon request.

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

**FINDINGS OF FACT:** The complainant stated that the citing officer's partner refused to provide his name and badge number upon request. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that he asked the police to arrest a person who had assaulted him. The officers stated that both the complainant and the alleged suspect were offered citizen's arrest but both declined. The alleged suspect told the Office of Citizen Complaints that he did not hear the complainant requesting that he, the alleged suspect, be arrested. Witness officers did not corroborate the complainant's allegation against the named officers. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

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

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

**FINDINGS OF FACT:** The officer denied the alleged inappropriate comment that had been attributed to her. Witness officers did not corroborate the complainant's allegation against the named officer. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant and co-complainant stated the officer cited the co-complainant without justification. The officer cited the co-complainant for not wearing her seatbelt while seated as a passenger in a moving vehicle. The witness officer supported the named officer's account. There were no independent witnesses. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainants stated the officer made inappropriate comments to them during a vehicular stop and in particular, during a search of their car. The complainants alleged the officer told the co-complainant she had a "filthy" or "dirty" mouth. The officer denied the allegation. The witness officer supported the named officer's account. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainants stated the officer uttered a sexual slur during a vehicular stop. During a search of their car, the complainants stated the officer called the co-complainant a “black bitch.” The officer denied the allegation. The witness officer stated that he did not hear the named officer utter a sexual slur. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainants stated the officer uttered a sexual slur during a vehicular stop. During a search of their car, the complainants stated the officer called the co-complainant a “black bitch.” The officer denied the allegation. The witness officer stated that he did not hear the named officer utter a racial slur. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #1:** The officer failed to write a police report.

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

**FINDINGS OF FACT:** The complainant went to the police station to see if she could get a police report written about a teacher allegedly raising her voice to her son. This action is not criminal, so a police report was not required. 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 #2:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that the officer took her son to a child crisis center and wrote a police report on that, instead of allowing her to care for her son her own way. As documented in the police report, and corroborated by the complainant, the complainant's son was troubled when she brought him into the police station, and it was incumbent upon the officer to discover what was troubling the youth and to document this in a report when she took the complainant and her son to Child Crisis to be evaluated by a doctor. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, such acts were justified, lawful and proper.

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**SUMMARY OF ALLEGATION #1:** The officer acted inappropriately

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

**FINDINGS OF FACT:** The complainant and his wife alleged that the officer acted inappropriately. The officer denied the allegation. The cover officers did not recall the behavior or comments. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer used profanity

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

**FINDINGS OF FACT:** The complainant and his wife alleged the officer used profanity. The officer denied the allegation. The cover officers did not recall the comments. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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**SUMMARY OF ALLEGATION #1:** The officer engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant alleged the officer should have allowed him to break a law banning nudity but could not supply any legal allowance for that position. The officer acknowledged speaking to a man who met the general description of the complainant. The named officer supplied the law that he was enforcing when he told the man to dress himself. The officer denied that he engaged in any inappropriate behavior as described by the complainant. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated the officer searched his vehicle with his permission. The officer admitted he retrieved the complainant's vehicle insurance card from the vehicle in order to complete the investigation pursuant to DGO 9.02 (I. & II.). A witness stated the complainant gave permission for the officers to search the vehicle. The witness said he was not able to describe the officers. 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 took cash and property without justification.

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

**FINDINGS OF FACT:** The complainant stated a few days after the incident his money and his personal property were missing from his vehicle. The complainant said his passengers would not have taken his property and believed the officer at the scene took the property. The responding officers denied the allegation. A civilian witness stated he did not take anything from the complainant or the complainant's vehicle, nor did any officer. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/22/09 **DATE OF COMPLETION:** 12/18/09 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated he and his passengers were mistreated because of their ethnicity. The officers denied the allegation. A civilian witness stated he did not hear any racially biased comments by any of the officers. A witness stated he was not able to describe the involved officers. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #4:** The officer made a racially derogatory comment.

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

**FINDINGS OF FACT:** The complainant stated an officer made a comment regarding him being guilty due to race. The officers denied the allegation. A witness stated he did not hear any officer make any racially derogatory comment. The witness said he was not able to describe the officers involved. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/29/09      **DATE OF COMPLETION:** 12/16/09      **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION 1:** The officer used profanity.

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

**FINDINGS OF FACT:** The officer denied using profanity. There were no witnesses to the use of profanity. There is insufficient evidence to reach a definitive finding.

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

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

**FINDINGS OF FACT:** The complainant a limousine driver said he was at SFO picking up his brother and had a waybill for the fare. The officer said the complainant did not have a waybill and the complainant's brother never emerged from the airport terminal for the ride. The complainant said his brother made other arrangements when he told him over the phone that he was being detained by the police. The complainant offered as evidence a copy of his brother itinerary that documents the brother's arrival time of 12:05 p.m. The complainant was cited at 2:57 p.m. The complainant said the officer detained him for almost one and one-half hours. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/29/09      **DATE OF COMPLETION:** 12/16/09      **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION 3:** The officer detained the complainant for a prolonged period of time without justification.

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

**FINDINGS OF FACT:** The officer stated that the detention was prolonged because the complainant's brother did not respond from the airport terminal for his ride and that with the consent of the complainant they entered the terminal to check on his brother status and learned at that time that the brother had arrived and had been picked up by another family member. There were no witnesses. There is insufficient evidence to reach a definitive finding.

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

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

**FINDINGS OF FACT:** The complainant said the officer asked him if he understood English and threatened to give him an unjustified citation. A witness said he heard the officer make a comment related to the complainant's English. The evidence of what the officer said was equivocal, and one version of the comment was not on its face inappropriate. The officer denied making the alleged statements. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/01/09 **DATE OF COMPLETION:** 12/16/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant did not have a date for this incident, demonstrating thereby that he did not remember it clearly. His complaint about the arrest is that the officers took the word of a woman and did not allow him to explain away and refute her allegations so that he would not be arrested. This is Proper Conduct on its face, as the legal system does not allow for the officers to decide guilt or non-guilt on the spot when a victim complains. The woman signed a citizen's arrest form in this incident, which is attached to the incident report. There was probable cause to arrest the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #2:** The officers used racial slurs when speaking with the complainant.

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

**FINDINGS OF FACT:** As noted above, the complainant did not have a date for this incident, demonstrating thereby that he did not remember it clearly. The complainant could not provide any identifying information about the officers. He did not write about this allegation in his 293 narrative, but stated it only after he had become agitated while giving another complaint and this complaint back to back. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 07/02/09 **DATE OF COMPLETION:** 12/03/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer used unnecessary force on a bicyclist.

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

**FINDINGS OF FACT:** The complainant alleged that the officer used unnecessary force on a bicyclist. The officers questioned by the OCC denied using unnecessary force at the scene. The bicyclist has not been identified. The identity of the alleged officer has not been established. No other witnesses came forward.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer wrongfully cited a bicyclist who had been punched in the face by a motorist. The bicyclist has not been identified. The identity of the officer who cited the bicyclist has also not been identified. No other witnesses came forward.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 07/02/09 **DATE OF COMPLETION:** 12/21/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the officer searched his car without his permission. The named officer denied the allegation. The complainant advised the Office of Citizen Complaints that he has lost contact with his civilian witness. The Office of Citizen Complaints has attempted to locate the witness and those attempts have been unsuccessful. There is insufficient evidence to reach a definitive finding.

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

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

**FINDINGS OF FACT:** The complainant stated he was coerced into serving as an informant for the officers with the threat of having him arrested and his vehicle towed. The named officer denied the allegation. The complainant advised the Office of Citizen Complaints that he has lost contact with his civilian witness. The Office of Citizen Complaints has attempted to locate the witness and those attempts have been unsuccessful. There is insufficient evidence to reach a definitive finding.



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**DATE OF COMPLAINT:** 07/02/09 **DATE OF COMPLETION:** 12/21/09 **PAGE#** 2 of 2

**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to comply with Department Bulletin 08-268.

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

**FINDINGS OF FACT:** Department records ( CAD ) indicate that this police contact was on-viewed as a “916” which requires an officer to make an entry under DB 08-268. The officer stated he did not make an entry because he did not conduct a traffic stop and that the complainant was not driving at the time of the contact. The officer said that although the call was put out as a “916” it was more of a consensual encounter. The complainant corroborated that his car was parked at the time of the incident. Upon investigation of the facts, DB-08-268 did not apply.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 07/03/09      **DATE OF COMPLETION:** 12/03/09      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant called the police to prevent an altercation from escalating to physical violence. Police units arrived at the scene within one minute of being notified. After the complainant observed that police had calmed the situation, the complainant asked one of the officers to move a patrol car that was impeding access to his place of business. The officer allegedly responded, "Go sit on the sidewalk!" The complainant took offense to this remark and concluded the unidentified officer refused to move the patrol car. All of the officers, who responded to this incident, were asked questions about this incident. All of them denied making the remark, talking to the complainant or overhearing any other officer make the remark. Although the complainant produced photographs of two parked patrol cars, no witnesses were provided or developed that identified the specific officer who made the remarks to the complainant. The complainant was unable to identify the involved officer in a photo line-up. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 07/09/09 **DATE OF COMPLETION:** 12/03/09 **PAGE #1** of 1

**SUMMARY OF ALLEGATION #1-2:** The officer failed to take the required action.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 30, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 07/16/09 **DATE OF COMPLETION:** 12/15/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he went to Southern Station to file a stolen property report and was refused. An officer poll was sent to Southern Station in an attempt to establish the identity of the alleged officer. The commanding officer at Southern Station questioned an officer and a police service aide, both denying having any recollection of the incident in question. No other witnesses came forward. The identity of the alleged officer has not been established. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant alleged he was told by an officer to never come back to the station. An officer poll was sent to Southern Station in an attempt to establish the identity of the alleged officer. The commanding officer at Southern Station questioned an officer and a police service aide, both denying having any recollection of the incident in question. No other witnesses came forward. The identity of the alleged officer has not been established. There is insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 08/03/09 **DATE OF COMPLETION:** 12/14/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** An unidentified officer failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated a member of the police department and a representative of a tow company made contact with him approximately seventeen days after his vehicle had been towed from private property. The complainant stated he had not received written notification from either the police department or the tow company that his vehicle had been towed.

The OCC investigation revealed the tow company was responsible for contacting the registered owner of vehicles towed from private property in accordance with CVC 22658 and 22853 (c). The evidence proved that the unidentified member was not responsible in the act alleged.

**SUMMARY OF ALLEGATION#:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 08/04/09 **DATE OF COMPLETION:** 12/16/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** Witness and officer observations of the complainant's behavior gave the officer probable cause to detain and arrest him. By a preponderance of the evidence the detention/arrest of the complainant was reasonable and justified.

**SUMMARY OF ALLEGATION #2:** The officer searched the complaint without cause.

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

**FINDINGS OF FACT:** Having found probable cause too detention/arrest of the complainant the officer was justified in conducting a pat search pursuant thereof.

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**DATE OF COMPLAINT:** 08/04/09 **DATE OF COMPLETION:** 12/16/09 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The officer denied the allegation. Witness officers denied observing the named member use unnecessary force and denied hearing the complainant complain of pain. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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

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

**FINDINGS OF FACT:** The officer denied making the alleged comment. Witness officers denied hearing the officer make the comment. The incident report documents that the complainant made the comment. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 08/13/09    **DATE OF COMPLETION:** 12/28/09    **PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:** N/A      **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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**DATE OF COMPLAINT:** 08/18/09 **DATE OF COMPLETION:** 12/16/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer's behavior was racially motivated.

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

**FINDINGS OF FACT:** The complainant alleged that the reporting officer's decision to charge him with a felony was racially motivated. The officer and his partner denied the allegation and said that the complainant was charged with a felony because he committed a felony. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 08/20/09 **DATE OF COMPLETION:** 12/03/09 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1-2:** The officers failed to properly process property.

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

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

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

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

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

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**DATE OF COMPLAINT:** 08/20/09 **DATE OF COMPLETION:** 12/03/09 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #5-6:** The officers used force during an arrest.

**CATEGORY OF CONDUCT:** UF **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 25, 2009

**SUMMARY OF ALLEGATION #7-8:** The officers arrested the complainant without justification.

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

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

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**DATE OF COMPLAINT:** 08/20/09 **DATE OF COMPLETION:** 12/14/09 **PAGE #** 1 of 4

**SUMMARY OF ALLEGATION #1:** The officer's conduct was biased due to race.

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

**FINDINGS OF FACT:** The complainant said he felt the traffic stop was biased policing due to his race. The officer stated the complainant's identity was initially unknown due to his tinted windows. The officer stopped the complainant for speeding and elected to advise him of the speeding violation. The officer did not recall whether the license plate lamp was functional on the complainant's vehicle. The officer observed illegal tint on the windows of the vehicle and verified that a material of illegal tint was applied to the front side windows during the traffic stop. The named officer stated he acted professionally and he treated the complainant with respect. The officer cited the complainant for a correctable violation and advised him of his speeding. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION # 2:** The officer's conduct was intimidating and threatening.

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

**FINDINGS OF FACT:** The complainant said the officer "kept fiddling" with his firearm and continuously asked his partner officer if he had him covered. At the conclusion of the traffic stop, the complainant said the officer tossed the citation and his driver's license into his vehicle. The officer stated he did not draw or aim his department issued firearm at the complainant. The officer explained that he made a similar movement of holding onto the grip of his firearm and used his hand to cover the hood of his holster. The named officer stated he made a solo approach along the passenger side of the complainant's vehicle, which had tinted windows. The complainant had been stopped for driving at a high-speed. The complainant behaved erratically and moved his hands to where they could not be seen. The traffic stop was made in an area known to be high in violent crime and is dangerous at night. The named officer said he verbally communicated with his cover officer during the traffic stop. The officer denied tossing the copy of the complainant's citation, nor did he toss the complainant's driver's license into his vehicle. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**DATE OF COMPLAINT:** 08/20/09 **DATE OF COMPLETION:** 12/14/09 **PAGE #** 2 of 4

**SUMMARY OF ALLEGATION #3:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant said the officer advised him he had stopped him for speeding, tinted windows and that his license plate light was out. Once the officers left the scene, the complainant checked his license plate lamp and found it fully functional. The named officer did not recall advising the complainant that his license plate light was out, nor did he recall any communication regarding the complainant's license plate lamp. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated he was not exceeding the speed limit. The complainant acknowledged he purchased his vehicle used with the tinted windows and was unaware the tinted windows were in violation. The citing officer said he observed the complainant's vehicle accelerate through an intersection at an unusual high-rate of speed and could not determine if the complainant's vehicle stopped at the limit line. The citing officer observed tinted windows on all the vehicles windows. Once the complainant's vehicle turned right on a street, the citing officer was better able to see the illegal tint on its front side windows, in violation of a California Vehicle Code section. The cover officer had no specific memory of the traffic stop, due to multiple traffic stops at night while coupled with the citing officer. The cover officer affirmed he made a traffic stop on the complainant, based on the citation. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #6:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant acknowledged he purchased his vehicle used with the tinted windows and was unaware the tinted windows were in violation of the California Vehicle Code. The citing officer said he observed the complainant's vehicle accelerate through an intersection at an unusual high-rate of speed and could not determine if the complainant's vehicle stopped at the limit line. The citing officer observed tinted windows on all its windows. Once the complainant's vehicle turned right on a street, the citing officer was better able to see the illegal tint on its front side windows, in violation of a California Vehicle Code section. The named officer utilized a tint card to gauge the approximate percentage of the illegal tint. The tint on the complainant's front windows was found to be in violation. The officer issued the complainant a correctable citation for the tinted windows. 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 #7:** The officer failed to provide his name and star number upon request.

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

**FINDINGS OF FACT:** The complainant requested the officer's name and badge number. The complainant alleged the officer told him everything he needed was on the citation. The officer stated he did not recall if the complainant requested his name or badge number. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**DATE OF COMPLAINT:** 08/20/09    **DATE OF COMPLETION:** 12/14/09    **PAGE #** 4 of 4

**SUMMARY OF ALLEGATION #8:** The officer made a racially derogatory comment.

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

**FINDINGS OF FACT:** The complainant said the named officer would not allow him to hold the citation book with his hands while signing the citation. The complainant said the officer, on two occasions, used a racially derogatory term while referring to his hands. The named officer denied that he referred to the complainant's hands in a racially derogatory manner. The officer acknowledged he would not allow the complainant to hold his citation book, due to the complainant's anger. The officer stated he held onto his ticket book for officer safety. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 08/13/09 **DATE OF COMPLETION:** 12/16/09 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The complainant alleged the officer arrested him without cause. Department records show the complainant was arrested under a private person's arrest. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer used unnecessary force by grabbing his fingers and unnecessarily twisting them. The officer stated that he used controlling force in order to control the complainant's physical movement and reduce the chance of the complainant harming himself or other during his resistance to his lawful arrest. Witnesses at the scene corroborated that the complainant was resisting. No other use of force was reported other than the controlling force, necessary in placing the complainant in handcuffs. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.



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**DATE OF COMPLAINT:** 08/26/09 **DATE OF COMPLETION:** 12/11/09 **PAGE #** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant admitted one violation and denied the other. The officer stated he stopped the complainant after observing the traffic violations. The officer had the authority to conduct a traffic stop for the CVC violations he observed.

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

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

**FINDINGS OF FACT:** The complainant stated he was cited for not having identification and a waybill, but that he was not working as a limo driver at the time. Rather, he was at the airport for an appointment with Landside Operations Personnel. The person at Landside with whom the complainant claimed to have an appointment denied that such an appointment existed. The basis for the citation was appropriate per the airport regulations, posted signs, and California Vehicle Code.

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

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

**FINDINGS OF FACT:** The complainant stated the officer accused him of lying and taped him without permission. The officer admitted he did accuse the complainant of lying after he had evidence that the complainant was working while on suspension and verified that he did not have an appointment with the witness. The witness corroborated that the complainant never made arrangements to meet him. The complainant's excuse for being at the airport was not credible and was contradicted by the witness. Therefore, the officer's comments were made based on facts he gathered and in this case do not bring discredit upon the department.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 08/28/09 **DATE OF COMPLETION:** 12/11//09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer inappropriately cited the complainant.

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

**FINDINGS OF FACT:** The complainant admitted to tapping on his horn a couple times to draw the traffic's attention to the green light. The officers said the complainant honked several times repeatedly and also yelled at the stalled traffic. The officers said the complainant failed to immediately pull over. The complainant said he pulled over as soon as he was able. One of the witness officers was no longer a member of the San Francisco Police Department. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #2:** The officer used profanity.

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

**FINDINGS OF FACT:** The officer denied using or hearing the profanity. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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**DATE OF COMPLAINT:** 08/28/09 **DATE OF COMPLETION:** 12/11/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officer ordered him to move his pushcart for no reason. The complainant said he had been given verbal permission by an unidentified officer to move to the unauthorized location several days earlier. The investigation established the complainant was not in his authorized location. The officer was within his authority to order the complainant to move his pushcart. The actions of the officer were lawful and proper.

**SUMMARY OF ALLEGATION #2:** The officer engaged in selective enforcement of the permit codes.

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

**FINDINGS OF FACT:** The officer denied the allegation. A witness alerted the police to the complainant's pushcart violation on the day of the incident. The complainant was admittedly in violation of the codes, but said other peddlers' were also in violation and were not admonished as he was. A witness peddler also reported that the peddlers in and around the area where the complainant was admonished openly violate peddler codes. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/02/09    **DATE OF COMPLETION:** 12/30/09    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was handcuffed to a bench in the police station and was fighting with the handcuffed prisoner seated next to him. They were kicking each other. The complainant stated an officer grabbed the complainant by the throat and choked him.

The complainant's mug shot did not show any visible injuries.

The prisoner seated next to the complainant stated that he was arrested for being drunk in public. He stated the complainant was kicking him when an officer separated them. He did not recall the complainant being choked by an officer.

The assigned Station Keeper stated he observed the complainant standing up and kicking another prisoner. He stated he saw the named officer push the complainant back down on the bench in an attempt to separate the two men. The Station Keeper then handcuffed the complainant's free hand to the bench. He stated he did not see the named officer place his hands around the complainant's neck.

According to jail medical records, the complainant did not report any recent trauma or injury on the day of his arrest. The next day, he reported being choked at the police station. Two days later, he complained of neck pain. Medical personnel noted that the complainant was eating and speaking without trouble. His neck supple, there were no marks on his neck and he was not coughing.

The named officer stated he saw the complainant standing up, kicking another prisoner. He stated he placed both his hands on the complainant's shoulders and sat him on the bench. He denied choking the complainant.

There was no additional evidence or witnesses to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/02/09 **DATE OF COMPLETION:** 12/30/09 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that he was not allowed to use the restroom while he was in the police station. Two of the assigned Station Keepers stated they did not recall the complainant asking to use the restroom and, if he had, they would have allowed the complainant to use it. An officer who was in the station at the time of the complainant's arrest stated that the complainant did not tell him he needed to use the restroom. A fourth officer stated he took the complainant to the restroom before he was transported to the county jail. There was no additional evidence or witnesses to further prove or disprove the allegation.

**SUMMARY OF ALLEGATION #3:** The officer failed to provide medical assistance upon request.

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

**FINDINGS OF FACT:** The complainant alleged that he asked "everyone at the station" for medical attention but never received any. He stated that, after being choked by an officer, he threw up blood. He stated he could not identify the officers he asked for medical attention. He stated he has not asked for any medical attention at the jail.

Two assigned Station Keepers and two other officers in the station stated the complainant did not throw up blood, did not complain of pain and did not request medical assistance. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/10/09      **DATE OF COMPLETION:** 12/16/09      **PAGE #1** of 1

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/14/09 **DATE OF COMPLETION:** 12/11/09 **PAGE #1 of 2**

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 27, 2009.

**SUMMARY OF ALLEGATION #2:** The officer demonstrated inappropriate and biased behavior/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 27, 2009.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/14/09    **DATE OF COMPLETION:** 12/11/09    **PAGE #2** of 2

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

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

**FINDINGS OF FACT:** The complainant is deaf. He went to a specific division of the SFPD to request information and assistance. He alleged the contact officer tried to “force” him to read her lips through statements and conduct, and tried to “get rid of him,” or get him out of the office. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer failed to provide deaf services access.

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

**FINDINGS OF FACT:** The complainant stated the officer failed to provide him with appropriate accessibility options when he approached her for information. The complainant is deaf. The complainant admitted he refused to stay at the office for an interpreter, mistakenly thinking it would take over 24 hours for the interpreter to arrive. The officer denied the allegation. The officer first asked the complainant if he read lips. The complainant said he did not and requested to write down information. The officer provided pen and paper. The officer called the Operations Center and sought an officer who could sign, but he was on vacation. The officer then sought an interpreter through the Bay Area Communication Access services. The complainant, by his own admission, became agitated and left the office before services could be made available. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/07/09      **DATE OF COMPLETION:** 12/03/09      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant declined to make a formal complaint pending the court's adjudication of this matter.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/14/09 **DATE OF COMPLETION:** 12/17/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant acknowledged that her taxi had been briefly parked in a red zone at the time she was cited. The officer stated that he cited four cabs parked in the red zone, and that the complainant was the second cab in line. Parking in a red zone at San Francisco International Airport is a violation of SFIA §1.4.6.(A). The officer's action was proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/16/09 **DATE OF COMPLETION:** 12/15/09 **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 complainant alleged that the officer failed to take required action. The complainant said the officer failed to properly address her based on her gender. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer engaged in inappropriate behavior and/or comments.

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

**FINDINGS OF FACT:** The complainant alleged that the officer behaved inappropriately and/or made inappropriate comments during the contact. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/17/09 **DATE OF COMPLETION:** 12/03/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was involved in an altercation with an ex-boyfriend. The complainant stated he drank 1-2 drinks per hour during a four-hour period. He urinated in his pants while inside the patrol car. The complainant further stated he refused to put his hands behind his back and pulled away from the officers, lost his footing and hit his head on the hood of a car. Then, while getting inside the patrol car, he hit his head and cut his upper arm. He did not complain of pain and did not ask for medical assistance. During a photo spread, the officer he identified was not at the scene. The complainant never stated that an officer using force caused his injuries. In fact, he never described any force used by an officer. He said when he woke up in the holding cell, he didn't know where he was.

According to the complainant's medical records, he was seen the following day, complaining of headache and nausea. The complainant told the doctor he was arrested the night before and "banged head on car." The records do not state it was the police who banged his head on the car. He also had a laceration on his right shoulder and an abrasion on the left side of his forehead. The complainant left the hospital without his discharge papers and prescription.

The arresting officer stated he responded to a battery. The officer stated the woman who called 911 identified the complainant as the suspect. The battery victim told the officer the complainant had assaulted him but he wanted no police action. The officer stated the complainant was loud, belligerent and demanded to speak to his attorney. As previously documented the complainant refused to identify himself. The officer stated the complainant was intoxicated and could not care for himself. On the Public Intoxication Card, the officer described the objective signs of intoxication. The officer handcuffed the complainant and placed him inside the patrol car. The officer stated the complainant offered no resistance during his detention. The officer stated the complainant did not stumble, and did not hit his head on any car. The officer stated the complainant had no visible injuries to his face and did not ask for medical assistance.

According to the complainant's Medical Screening card, the complainant refused to answer any questions at 0225 hours. However, at 0335 hours, the complainant answered "no" to all of the questions, including "Are you seriously ill or injured?" and "Do you need immediate medical attention?" Under "Observations", the SK answered, "no" to the question, "Does the arrestee have any signs of a head injury?"

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/17/09 **DATE OF COMPLETION:** 12/03/09 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** A witness officer stated the complainant had a strong smell of alcohol on his breath, slurred speech and he failed to follow simple directions. This officer did not see the complainant hit his head on the hood of a car or hit his head or shoulder on the patrol car. He saw no visible injuries on the complainant.

A second witness officer stated the complainant had a strong smell of alcohol on his breath and slurred speech. He did not see the complainant hit his head on the hood of a car. He did not see the complainant hit his head or shoulder as he was getting into the patrol car. He did not see any injuries on the complainant. There was insufficient evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer failed to properly care for the complainant.

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

**FINDINGS OF FACT:** The complainant stated that, when he was inside the patrol car, he told the officer he needed to use a restroom. The officers did not take him to a restroom and he was forced to urinate in his pants. The complainant further stated that while he was handcuffed to the bench at the station, he asked again to use the restroom and was ignored. The transporting officer stated that, while enroute to the station, the complainant said he needed to use a restroom. The officer told the complainant that, for safety reasons, he needed to wait until they got to the station. Upon arrival at the station, the complainant's pants were soaked with urine.

Three officers who responded to the scene stated they did not hear the complainant make any requests to use a restroom. The two officers assigned to Station Duty and Station Keeper duties at the station stated that they did not recall the complainant. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/20/09 **DATE OF COMPLETION:** 12/30/09 **PAGE #**1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated she filed a burglary report at Park Station. She alleged the burglary was never investigated and that the police themselves were involved in the burglary. The investigation revealed the case was assigned to a member of the Burglary Detail. The investigating officer stated the complainant had not yet filed an incident report and he advised her to do so. The investigation further revealed that the officer conducted a detailed, thorough investigation of the complainant's claims, including collecting forensic evidence, and found no evidence of a burglary. The complainant was referred to the San Francisco Police Department's Psychiatric Liaison Officer. Based on the evidence obtained, the officer's conduct was proper.

**SUMMARY OF ALLEGATION #2:** The officer failed to properly supervise an investigation.

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

**FINDINGS OF FACT:** The complainant stated she filed a burglary report at Park Station. She alleged the burglary was never investigated and that police themselves were involved in the burglary. The investigation revealed the case was assigned to a member of the Burglary Detail. The investigating officer stated the complainant had not yet filed an incident report and he advised her to do so. The investigation further revealed that the officer conducted a detailed, thorough investigation of the complainant's claims, including collecting forensic evidence, and found no evidence of a burglary. The complainant was referred to the San Francisco Police Department's Psychiatric Liaison Officer. Based on the evidence obtained, the named officer properly supervised the investigating officer.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/21/09 **DATE OF COMPLETION:** 12/15/09 **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 complainant alleged that the officer failed to write an incident report. The officer and his partner stated that no report was written because there was no crime committed. 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 #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/18/09 **DATE OF COMPLETION:** 12/03/09 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 20, 2009.

**SUMMARY OF ALLEGATION #2:** The officer prepared an inaccurate incident report.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 20, 2009.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/23/09    **DATE OF COMPLETION:** 12/14/09    **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant was cited for resisting and delaying an investigation. The complainant admitted to making inappropriate comments to the officer after the officer cited his friend. The officer stated the complainant did not comply with his commands to show his hands and to exit the vehicle for officer safety. The complainant admitted to not complying with the officer's commands to exit the vehicle. The co-complainant and another officer corroborated the officer's claim that the complainant would not comply with the officer when asked to exit the vehicle. Both complainants stated the officer was walking away from the vehicle after the initial citation and only came back to harass them because of the inappropriate comments made by the complainant. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated after he made inappropriate comments to the officer, the officer ordered him out of the vehicle. The officer stated the complainant was making gestures with his hands and refused to show his hands when requested. The co-complainant believed it was the inappropriate comments made by the complainant that angered the officer and made the officer come back to their vehicle to detain the complainant. Another officer stated the named officer told him the complainant would not show his hands, but did not hear the conversation that took place between the officer and the complainant. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint. The named member stated that the complainants refusal to show his hands constituted an officer safety issue.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/23/09    **DATE OF COMPLETION:** 12/14/09    **PAGE#** 2 of 4

**SUMMARY OF ALLEGATION #3:** The officer used excessive force.

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

**FINDINGS OF FACT:** The complainant stated the officer forcefully pulled him out of the vehicle. The complainant admitted to not complying with the officer's commands to exit the vehicle. The officer stated the complainant would not comply with his commands to exit the vehicle, so he reached in to pull the complainant out of the vehicle. The officer felt the force that was used was not excessive but was needed to gain compliance from the complainant. The co-complainant stated the complainant did not comply with the officer's commands and the officer pulled the complainant out of the vehicle. Another officer admitted to assisting the named officer with getting the complainant out of the vehicle by unlocking the door while the named officer pulled the complainant out of the vehicle, but did not feel the amount of force used was excessive. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #4:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated the officer used profanity during the traffic stop. The officer denied the allegation. The co-complainant and another officer did not hear the named officer use profanity because they were not in the same area as the named officer and complainant. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/23/09    **DATE OF COMPLETION:** 12/14/09    **PAGE#** 3 of 4

**SUMMARY OF ALLEGATION #5:** The officer displayed threatening behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the officer made inappropriate comments and pulled his baton out in a threatening manner. The officer denied making any inappropriate comments but admitted to grabbing his baton not to threaten but to gain compliance from the complainant. According to Department General Orders, officers are allowed to use non-verbal commands to gain compliance. The co-complainant did not hear any conversation between the complainant and the named officer, but did corroborate that he the named officer did pull his baton from his duty belt. Another officer did not hear any conversation between the complainant and the named officer and does not remember if the named officer pulled his baton out. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #6:** The officer practiced biased policing due to race.

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

**FINDINGS OF FACT:** The complainant felt he was detained because he is African American. The officer denied the allegation. The co-complainant also felt the complainant was detained because he is African American. Another officer denied the detention was due to ethnic background. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/23/09 **DATE OF COMPLETION:** 12/14/09 **PAGE#** 4 of 4

**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to make the required E585 entry.

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

**FINDINGS OF FACT:** The officer denied the allegation and stated he made the required E585 entry. After further investigation the OCC received documentation to support the officer's claim. The evidence proved that the acts alleged in the complaint did not occur.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/29/09 **DATE OF COMPLETION:** 12/16/09 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer(s) damaged the complainant's property.

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

**FINDINGS OF FACT:** The complainant alleged that the officers damaged her property. The complainant said the officers ripped her front screen door and wrote graffiti on her door. The complainant said the officers further damaged her plants. The officers that were questioned denied the allegation. No witnesses came forward. The evidence was insufficient to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer(s) behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant alleged that the officers behaved inappropriately. The officers denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/29/09 **DATE OF COMPLETION:** 12/16/09 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officers failed to identify themselves as police officers.

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

**FINDINGS OF FACT:** The complainant alleged that the officer(s) failed to identify themselves as police officers when they showed up and knocked on her front door. The officers that were questioned denied the allegation. The officers stated they never attempted to contact the complainant in her apartment unit. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/29/09 **DATE OF COMPLETION:** 12/18/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant alleged the officers arrested him without cause. The complainant admitted consuming a large amount of liquor prior to being detained by the officers. The officers stated that they observed the complainant committing acts of vandalism. The officers detained the complainant while they conducted their investigation into the complainant's vandalism of a number of telephones. The complainant denied vandalizing property. Upon further investigation, the officers found the complainant smelled of alcohol and determined that he was unable to care for himself. During their investigation, the officers learned that the complainant was on active California Department of Corrections parole and probation and in violation of a valid stay-away order from the location where they detained him. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/6/09 **DATE OF COMPLETION:** 12/03/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

**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 November 25, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/07/09 **DATE OF COMPLETION:** 12/09/09 **PAGE #1 of 1**

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 3, 2009.

**SUMMARY OF ALLEGATION #2:** The officer demonstrated inappropriate behavior/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 December 3, 2009.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/09/09 **DATE OF COMPLETION:** 12/18/09 **PAGE#** 1 of 2

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/09/09    **DATE OF COMPLETION:** 12/18/09    **PAGE#** 2 of 2

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

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

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

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

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

**FINDINGS OF FACT:** The officer properly processed the property taken from the complainant. The officer completed a property receipt form documenting the items taken from the complainant. The complainant received a copy of the property receipt form and the officer booked the property receipt form into evidence. The officer complied with department policy, San Francisco Department General Order 6.15, states in part, the member who first receives or takes property is responsible for it until the item is processed as property for identification and is received at the district station or at the Property Control Section. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/14/09    **DATE OF COMPLETION:** 12/16/09    **PAGE #1 of 1**

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

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

**FINDINGS OF FACT:** The complainant said he called police regarding a restraining order violation and, when he saw them arrive, he yelled at the officers from his window, but the officers ignored him. The officers did not recall being dispatched or responding to this call. The CAD record indicates the officers were on scene and told the dispatcher, "So far nobody waving down UTL (unable to locate)." The CAD record also indicates that the complainant stated he was going to be at the corner. There is insufficient evidence to prove or disprove that the officers did or did not see the complainant from his window and/or that they ignored him. 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:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/14/08    **DATE OF COMPLETION:** 12/03/09    **PAGE #1** of 1

**SUMMARY OF ALLEGATION #1:** The Department failed to take required action

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

**FINDINGS OF FACT:** The complainants alleged that, in an investigation into the homicide of their relative, the Department did not process forensic evidence in a timely manner, did not adequately pursue leads, did not coordinate Department efforts to publicize the investigation with those of the family, and did not coordinate the homicide investigation with an investigation in a fraud case against the victim's widow. The investigation established that, in its homicide investigation, the Department processed the forensic evidence, developed leads, and eliminated possible suspects. The separation of the fraud investigation and the homicide investigation was within the Department's discretion to determine the appropriate allocation of resources.

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

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

**FINDINGS OF FACT:** The complainants alleged the officer failed to respond to their attempts to communicate. The officer has separated from the Department and is no longer subject to discipline.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/15/09 **DATE OF COMPLETION:** 12/14/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer arrested her without cause while she was walking on a sidewalk. The officer said he arrested the complainant after his partner, who was conducting surveillance from a concealed position, notified him that the complainant spat suspected base rock cocaine into her open palm and conducted a narcotics transaction with another person. The officer's partner later confirmed the identity of the complainant. No witnesses came forward or were identified during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant objected to the officer's request for her to open her mouth. The complainant said the officer proceeded to search inside the pockets of her jacket despite her objections. The officer and his partner stated that the complainant was searched incident to her arrest. No witnesses came forward or were identified during the investigation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/15/09 **DATE OF COMPLETION:** 12/17/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** An officer conducting undercover surveillance observed the complainant sell illegal narcotics to another woman (“the buyer”), who wrapped the narcotics in U.S. currency. The buyer was immediately arrested and was found to have illegal narcotics wrapped in a one-dollar bill in her possession. The complainant was arrested for selling those drugs to the buyer. The officer’s conduct was proper.

**SUMMARY OF ALLEGATION #2:** The officer applied tight handcuffs on the complainant.

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

**FINDINGS OF FACT:** The complainant alleged that she was handcuffed too tightly and suffered an abrasion to her right wrist, which was not visible at the time of her interview. She stated she told the prison nurse about this injury. The complainant’s jail medical records stated that, during her intake screening on the day of her arrest, the complainant denied having any recent injury or trauma. The officer stated that after handcuffing the complainant, he checked for tightness and double-locked each handcuff. He stated the complainant never complained to him of tight handcuffs, and he did not see any abrasions on her wrists. A witness officer stated that the officer checked the handcuffs for proper tightness and double-locked them. He did not hear the complainant complain of tight handcuffs, and did not see any abrasions on the complainant’s wrists.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/15/09   **DATE OF COMPLETION:** 12/17/09   **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The officer conducted a booking search of the complainant pursuant to her arrest. The officer's conduct was proper.

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

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

**FINDINGS OF FACT:** The complainant stated that, at the time of her arrest, she had approximately \$700 in her possession. When she was released from jail, she received only \$167.25. She provided a property receipt she signed in the amount of \$167.25. She claimed that when she signed the property receipt, it was blank. The officer stated that during the complainant's booking search, he seized \$167.21 from the complainant. He placed the money in a money envelope and booked it at the station. He told the complainant he seized \$167.21 from her. He stated that, before the complainant signed the property receipt form, the form was completely filled out, with the denominations seized and coins seized, as well as the amount of \$167.21. A witness officer stated that he observed the named officer seize \$167.21 from the complainant, then count it and book it. The witness officer stated that when the complainant signed the property receipt form, it was complete and indicated that \$167.21 had been seized from her. The Property Receipt signed by the complainant indicates that \$167.21 was seized from her. There were no other witnesses or additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/16/09      **DATE OF COMPLETION:** 12/11/09      **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer engaged in selective enforcement.

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

**FINDINGS OF FACT:** The investigation was unable to identify the officer. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #2:** The officer's demeanor was inappropriate.

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

**FINDINGS OF FACT:** The investigation was unable to identify the officer. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/19/09 **DATE OF COMPLETION:** 12/07/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant failed to provide accurate contact information. OCC was unable to make contact with the complaint to conduct an interview and to gather further information needed to conduct a proper investigation.

**SUMMARY OF ALLEGATION #2:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant failed to provide accurate contact information. The OCC was unable to make contact with the complainant to conduct an interview and to gather further information needed to conduct a proper investigation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/19/09 **DATE OF COMPLETION:** 12/07/09 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer failed to provide his name/star number when requested.

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

**FINDINGS OF FACT:** The complainant failed to provide accurate contact information. The OCC was unable to make contact with the complainant to conduct an interview and to gather further information needed to conduct a proper investigation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/21/09    **DATE OF COMPLETION:** 12/22/09    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer behaved inappropriately and/or made inappropriate comments to her son during a traffic stop. The complainant's son refused to provide a statement. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer detained the complainant's son due to racial bias.

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

**FINDINGS OF FACT:** The complainant alleged that the officer stopped and detained her son because of his race. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/21/09    **DATE OF COMPLETION:** 12/22/09    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant alleged that the officer issued her son a citation without cause. In his response, the officer stated the complainant's son was cited for failure to stop at a flashing red stop signal – VC 21457(a). No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant alleged that the officer issued her son a citation without cause. The evidence shows that the complainant's son failed to show proof of financial responsibility and was found guilty in traffic court. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/03/09    **DATE OF COMPLETION:** 12/16/09    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer slapped the complainant.

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

**FINDINGS OF FACT:** The complainant stated that he and his partner were walking home after having dinner and cocktails. He stated they were not intoxicated. He stated they saw a prostitute and his partner began yelling at her. The woman slapped the complainant. They subsequently learned the woman was an undercover police officer. The officer stated she was working undercover as a decoy prostitute when the complainant and his partner confronted her and began yelling obscenities at her. She stated that both men displayed objective signs of intoxication. She stated she tried to walk away from the men but they blocked her way. She stated when the complainant lunged at her, she put out her right arm, with an open palm, to push him away. She denied slapping him.

The “close cover” officer stated he was within forty feet of the female officer when he saw two men walking towards her and pointing at her. They appeared to be threatening her. The female officer tried to walk away from them but they came within one foot of her. He saw her put up her hands as if to defend herself. She then put her hands in the air, which was a pre-arranged signal for the cover officer to come to her aid. He did not see the officer make any physical contact with the two men.

The only other witness stated he heard two men yelling at the female police officer but did not see the two men until they walked by his grocery store. He stated both men were “drunk.”

Photographs of the complainant’s face taken by the Department and by the complainant’s partner did not provide supportive evidence that the complainant had been slapped.

There was no additional evidence or witnesses to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/03/09 **DATE OF COMPLETION:** 12/16/09 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated when he told the named officer that a female officer had slapped him, the officer told him that, since the female officer was working undercover as a prostitute, “Let’s just call it a wash.” The complainant’s partner stated he had no complaints about the officer’s behavior, and believed that the officer and others “did what they were supposed to do.” The complainant stated that when he got home, he called the Department to report the incident and the named officer responded and took a report as well as photos. The complainant and his partner stated that, immediately before this incident, they had dinner and cocktails, but were not intoxicated.

The officer denied telling the complainant, “Let’s just call it a wash.” He stated that when he told the complainant that the woman they thought was a prostitute was an undercover police officer, they apologized to her and left the scene. The officer stated that the complainant and his partner were intoxicated at the time of this incident. Upon the complainant’s request, he later responded to the complainant’s home after this incident, took a report and took photos of the complainant’s face.

The undercover female officer also stated the two men apologized to her and left the scene. She stated she did not hear the officer tell the two men, “Let’s just call it a wash” or any similar statement. She further stated that the complainant and his partner were intoxicated.

The “close cover” officer stated he was standing about one hundred feet away and did not hear the conversation. He stated he was too far away to observe any objective signs of intoxication.

There was no additional evidence or witnesses to further prove or disprove the allegation.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/12/09 **DATE OF COMPLETION:** 12/29/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** In her initial interview, the complainant stated that the officer pulled her over for no reason. In her follow-up interview, the complainant acknowledged that she “might have been rolling over” posted “Stop” signs before being pulled over. The named member stated that he stopped the complainant’s car after having witnessed the complainant’s vehicle fail to stop at two posted “Stop” signs. Given the complainant’s admission, the officer’s decision to effect a traffic stop for the observed moving violation was justified. The evidence proved that the act, which provided the basis for the allegation occurred, however, such act was justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer issued her a citation for multiple violations despite the necessary paperwork she showed him at the time. The named member stated that he cited the complainant for running two “Stop” signs, for expired registration of her vehicle and for no proof of insurance. According to the officer, the complainant only produced an expired driver’s license and a DMV printout for a temporary DL permit. A back-up officer present at the scene of this incident supported this statement. In her follow-up interview, the complainant acknowledged that she “might have rolled over” the “Stop” signs before being pulled over. The complainant also provided the OCC with the paperwork that she allegedly produced to the citing officer at the scene but this documentation did not support her statement. A preponderance of the evidence showed that the acts, which provided the basis for the allegation indeed occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/12/09 **DATE OF COMPLETION:** 12/29/09 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #3-4:** The officers acted in an inappropriate manner and made inappropriate comments.

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

**FINDINGS OF FACT:** The named members denied acting in the alleged manner and making the comments attributed to them by the complainant. 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:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/10/09 **DATE OF COMPLETION:** 12/11/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/31/09 **DATE OF COMPLETION:** 12/21/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer displayed his weapon without justification.

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

**FINDINGS OF FACT:** The complainant failed to provide additional requested evidence. The identity of the alleged officer has not been established.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/16/09 **DATE OF COMPLETION:** 12/18/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 10, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/17/09 **DATE OF COMPLETION:** 12/07/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complaint said the officer kicked her while she was asleep at the entrance of a public library. The identity and badge number provided by the complainant is not a sworn member of the San Francisco Police Department. There is no known agency for the OCC to make a referral about the complained individual.

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

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

**FINDINGS OF FACT:** The complainant said an unidentified officer told her and ten other homeless individuals sleeping at the entrance of the Billy Graham Civic Center Auditorium to move out, exposing all of them to the rain. SFPD records revealed no police call or response to the location, dates, and time in question. The complainant was unable to provide any identifying information for the witnesses or the officer. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/17/09 **DATE OF COMPLETION:** 12/07/09 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer issued an invalid order.

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

**FINDINGS OF FACT:** The complainant said she was sleeping on a bench near a residential building when an unidentified officer ordered her to wake up and move. SFPD records revealed no call for police services or a police response to the location during the date and time in question. The complainant was unable to provide any further information to establish the identity of the involved officer. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/23/09 **DATE OF COMPLETION:** 12/14/09 **PAGE #1** of 1

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

**CATEGORY OF CONDUCT:** N/A **FINDING:** IO1 **DEPT. ACTION:**

**FINDINGS OF FACT:** This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded to the San Francisco Department of Emergency Management.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/25/09      **DATE OF COMPLETION:** 12/14/09      **PAGE #1** of 1

**SUMMARY OF ALLEGATION #1:** The officer detained an individual without justification.

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

**FINDINGS OF FACT:** The complainant failed to respond to OCC contact efforts. Without further information from the complainant, the investigation cannot move forward.

**SUMMARY OF ALLEGATION #2:** The officer seized property without cause.

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

**FINDINGS OF FACT:** The complainant failed to respond to OCC contact efforts. Without further information from the complainant, the investigation cannot move forward.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/23/09 **DATE OF COMPLETION:** 12/30/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** This is a complaint of selective enforcement due to bias.

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

**FINDINGS OF FACT:** The complainant alleged a “pattern of profiling”. The complainant was unavailable to be interviewed. The complainant failed to provide additional requested evidence.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/25/09 **DATE OF COMPLETION:** 12/16/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer used force during the contact.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/03/09 **DATE OF COMPLETION:** 12/04/09 **PAGE #** 1 of 1

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

**CATEGORY OF CONDUCT:** N/A **FINDING:** IO2 **DEPT. ACTION:**

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/02/09 **DATE OF COMPLETION:** 12/17/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The computer used by the Police Department to issue taxi permits is not working properly, resulting in long delays for permanent taxi permits.

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

**FINDINGS OF FACT:** Through no fault of their own, the applicants for taxi permits are waiting for long periods, months and even close to a year, for a permanent taxi driver permit. This delay is caused by the San Francisco Police Department computer used to issue permits staying un-repaired for years, despite efforts of the Officer In Charge of the Taxi Detail to have it repaired. The evidence proved that the act by the members was justified by Department Policy, procedure or regulation; and that the issue is a resource allocation issue.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/02/09 **DATE OF COMPLETION:** 12/11/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer conducted a search without cause.

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

**FINDINGS OF FACT:** The complainant made a personal visit to the Office Of Citizen Complaints and submitted a handwritten complaint; however, the complainant did not wait to be interviewed. Various attempts were made to contact the complainant for additional information, but the complainant never responded. The complainant failed to provide additional requested evidence.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/07/09 **DATE OF COMPLETION:** 12/11/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer conducted a search without cause.

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

**FINDINGS OF FACT:** The complainant made a personal visit to the Office of Citizen Complaints and submitted a handwritten complaint; however, the complainant did not wait to be interviewed. Various attempts were made to contact the complainant for additional information, but the complainant never responded. The complainant failed to provide additional requested evidence.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/03/09 **DATE OF COMPLETION:** 12/11/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer failed conducted a search without cause.

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

**FINDINGS OF FACT:** The complainant made a personal visit to the Office Of Citizen Complaints office and submitted a handwritten complaint; however, the complainant did not wait to be interviewed. Various attempts were made to contact the complainant for additional information, but the complainant never responded. The complainant failed to provide additional requested evidence.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/07/09 **DATE OF COMPLETION:** 12/09/09 **PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:** N/A      **FINDING:** IO1      **DEPT. ACTION:**

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/15/09 **DATE OF COMPLETION:** 12/21/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** This allegation or complaint raises matters outside the Office Of Citizen Complaints jurisdiction. This allegation or complaint has been referred to:

San Francisco Sheriff's Department  
Investigative Services Unit  
25 Van Ness Avenue – 3<sup>rd</sup> Floor  
San Francisco, CA 94102

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/23/08    **DATE OF COMPLETION:** 12/11/09    **PAGE#** 1 of 5

**SUMMARY OF ALLEGATIONS #1-2:** The officers entered without justification.

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

**FINDINGS OF FACT:** The complainant alleged two officers entered his room without consent. The officers denied the allegation, stating the door was ajar when they arrived and they were invited in. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #3-4:** The officers performed a search without cause.

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

**FINDINGS OF FACT:** The complainants stated that an officer conducted a search of the premises and conducted a pat search of the co-complainant against his will. The co-complainant said he did not consent to the search, but an officer pat searched him anyway. The officers admitted pat searching the complainants. The officers stated the complainant's girlfriend consented to the search. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATIONS #5-6:** The officers failed to answer reasonable questions.

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

**FINDINGS OF FACT:** The complainant stated the officers failed to articulate a legitimate reason for their entry into his room. When the complainant asked why the officers entered his room, the officers asked him if he had something to hide. The officers denied the allegation. One officer said he explained why he was at the scene at the end of the contact. The witnesses did not recall this part of the contact. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #7:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant and co-complainant stated the officer used profanity. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #8:** The officer uttered a racial slur.

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

**FINDINGS OF FACT:** The complainant and co-complainant stated the officer used a racial slur. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #9:** The officer made threatening comments and acted in a threatening manner.

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

**FINDINGS OF FACT:** The complainant and co-complainant said an officer threatened the co-complainant. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #10:** The officer made threatening comments and acted in a threatening manner.

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

**FINDINGS OF FACT:** The complainant stated the officer threatened his girlfriend. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #11-12:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The co-complainant alleged the officers should have called a supervisor to the scene. One officer denied the co-complainant requested a supervisor. The other officer denied the complainant requested a supervisor be called to the scene, but he stated he provided the name of his supervisor. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #13:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated the officer used profanity. The officer denied the allegation. The witnesses did not overhear this portion of the contact. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #14:** The officer failed to identify himself.

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

**FINDINGS OF FACT:** The co-complainant stated he asked for the officer's full name, but the officer failed to fully identify himself. The complainant and witnesses did not overhear this portion of the contact. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant was cited for driving without a front license plate and for having a suspended driver's license. The complainant acknowledged driving without a front license plate and stated his driver's license was suspended for failing to pay child support. The officer's conduct was proper.

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

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

**FINDINGS OF FACT:** The complainant stated that his driver's license was suspended. Department General Order 9.06 requires officers to tow all vehicles driven by persons with suspended driver's licenses. The officer's conduct was proper.



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

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

**FINDINGS OF FACT:** The complainant and co-complainant stated the officers conducted a wrongful detainer action against them. They said the officers should have contacted the San Francisco Sheriff's Department instead. The witness stated he contacted the officers to make sure the complainants removed their property from a storage facility, located in a rooming house where the complainants formerly resided but continued to occupy. The officers denied the allegation, stating the landlord requested them to perform a civil standby to keep the peace. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #3:** The officer made inappropriate comments and acted in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainants stated they sought additional information about how to recover his property from the officer. They alleged the officer made inappropriate comments and acted in an inappropriate manner. One of the complainants has a history of previous contacts with the officer. Both complainants have a previous history of arrests and one has a stay away order from the area. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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**SUMMARY OF OCC ADDED ALLEGATIONS #1-2:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The officers accepted temporary secondary employment and failed to comply with appropriate sections of Department General Order 11.02. The officers admitted they negotiated an oral agreement with a private party to provide him with security services without first seeking the permission of their commanding officer or the Chief of Police. The officers admitted accepting cash as payment and did not report the payment to their superior. The officers were not on the payroll of their temporary employer. The officers admitted wearing their stars on their outermost clothing and identified themselves as police officers during the performance of their secondary employment duties. 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 ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officers established through investigation that that the suspect resided at the address through a prior contact and Department Motor Vehicle records. The judge signed the affidavit prepared for the search warrant. The officers executed a signed search warrant.

**SUMMARY OF ALLEGATION #3-4:** The officers failed to comply with Knock and Announce procedure.

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

**FINDINGS OF FACT:** Officers denied the allegation. A witness did not respond for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5-6:** The officers searched outside the scope of the search warrant.

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

**FINDINGS OF FACT:** The signed search warrant corroborates that the search includes the residential unit all rooms, attics, containers, and other parts within the residence, and all garages, trash containers and storage units designated for the residence. The officers had a signed search warrant, the officers had the authority to search all areas of the residence.

**SUMMARY OF ALLEGATION #7-8:** The officers seized the complainant's work badge without cause.

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

**FINDINGS OF FACT:** Officers stated that the complainant's badge was seized because the complainant had access to court records and at the time they did not know if she was a co-conspirator involved in criminal activity. The complainant described her badge as a magnetic card that has her picture and says San Francisco Superior Court. Per case law, officers have the authority to seize items with reasonable belief that the item could be used unlawfully and may compromise public safety.

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**SUMMARY OF ALLEGATION # 9-10:** The officers exhibited inappropriate behavior.

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

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

**SUMMARY OF ALLEGATION #11:** The officer wrote an inaccurate police report.

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

**FINDINGS OF FACT:** The officer denied the allegation. A witness did not respond for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the officers stopped and detained him without any legitimate reason. The complainant's girlfriend, who was with him in the car, corroborated this statement. The named members stated that they effected a traffic stop because the complainant's vehicle was making unsafe maneuvers, which led them to believe he was driving under the influence. There were no other witnesses to this part of the incident. The available evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #1-2:** The officer cited the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that the officer cited him without any lawful reason. This statement was supported by the complainant's girlfriend, who was with him in the car at the time of the incident. The named member stated that he observed the complainant making an unsafe lane change and he cited the complainant for the violation. The named member's partner corroborated this statement. There were no other witnesses to this part of the incident. The available evidence was insufficient to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #4-5:** The officers failed to follow the Department General Order 5.08

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

**FINDINGS OF FACT:** The department requires that non-uniformed officers working plainclothes assignments must immediately request a marked back-up unit when making a traffic stop. The named members stated that a marked unit indeed responded to the scene and a uniformed female officer searched the complainant's girlfriend. However, the named members could not recall which of them summoned the marked unit and when this request was made. When questioned by the Office of Citizen Complaints, this female officer could not recall the incident or her involvement in it. The complainant and his girlfriend stated that a uniformed female officer, in fact, showed up at the scene of this traffic stop long after it had been initiated. The Event History Detail (CAD) and Department of Emergency Management audio records relevant to the incident contained no indication of the named members' purported request for a back-up unit. By a preponderance of the evidence, the allegation is sustained.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer made several inappropriate comments at the scene of the traffic stop. The complainant's girlfriend only partially corroborated the alleged misconduct. The named member denied making the said comments and his partner supported this statement. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officers denied the allegation. The witness did not observe this part of the incident. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #3-4:** The officers used force at the scene.

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

**FINDINGS OF FACT:** The officers denied the allegation. The witness said the complainant was not physically resisting only verbally protesting as to why he was handcuffed while he was placed in the patrol car. The witness said the officers used physical force with their hands to place the complainant into the car, which he would describe as not normal, but aggressive. There is insufficient evidence to reach a definitive finding as to whether or not the degree of force employed was considered unnecessary or excessive.



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**SUMMARY OF ALLEGATION 5-6:** The officers exhibited inappropriate behavior.

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

**FINDINGS OF FACT:** The officers denied the allegation. The witness did not observe this part of the incident. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #7-8:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The officers denied the allegation. The witness corroborated that the passengers wanted to pay but the complainant, a cab driver, did not accept credit cards. At the time of this incident there were no written rules for what forms of payment are or are not acceptable. The officers did not have a reason to cite the passengers because they were not evading the fare per all parties at the scene; just the method of payment was in dispute. Per DGO 2.01 Rule 5. Performing duties, the officers took the action necessary to resolve the dispute with the facts they had at the time and abated the dispute.

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

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

**FINDINGS OF FACT:** The complainant stated he was handcuffed and placed in a patrol car at the scene. No Certificate of Release was issued to the complainant. The officer admitted he failed to issue a Certificate of Release. The allegation in sustained.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**