

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/24/11 **DATE OF COMPLETION:** 02/04/11 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: CRD **FINDING:** NFW **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: 01/26/11 **DATE OF COMPLETION:** 02/11/11 **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 stated the officers wrongfully arrested him for threatening to kill his roommate. The complainant called the officers to the scene regarding a civil matter between roommates. As the officers left, they overheard the complainant threaten to kill his roommate. The officers interviewed the roommate. He told them he feared for his life. The roommate wrote a statement to that effect. The report writing officer appended the roommate's statement to the incident report. The officers had probable cause to arrest the complainant. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/11 **DATE OF COMPLETION:** 02/18/11 **PAGE #1** of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to prepare an incident report.

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

FINDINGS OF FACT: The complainant stated he contacted the police regarding a noise he heard under his bed at his medical rehabilitation facility. The officers responded to the scene but based on information provided by the complainant determined there was no criminal activity and no crime had been committed. Pursuant to Department policy, officers are required to write incident reports for crimes that they either observe or that are brought to their attention. The evidence proved that the act that provided the basis for the allegations occurred; however, the officers' actions were justified, lawful, and proper pursuant to Department policy and procedures.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/11 **DATE OF COMPLETION:** 02/16/11 **PAGE #1** of 1

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

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

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

Internal Affairs Division
San Francisco Police Department
850 Bryant Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/10 **DATE OF COMPLETION:** 02/04/11 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The Department failed to properly investigate a homicide case.

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

FINDINGS OF FACT: The complainant, the mother of a homicide victim, stated the Department failed to properly pursue the case involving her son's murder. She stated the Department should have solved the case. At the time this homicide occurred, the Homicide Bureau was understaffed and the two-person rotations were seriously overworked. There were nearly 100 homicides in San Francisco during that time period. Moreover, inadequate staffing frustrated the Bureau's ability to consistently comply with the provisions of Unit Order 03-07 which outlines communications procedures for officers dealing with families of homicide victims. Since 2009, additional inspectors have been assigned to Homicide. Four-person teams have been implemented, along with an improved backup system, however current budget restraints may have the effect of curtailing this increased level of staffing.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/05/10 **DATE OF COMPLETION:** 02/04/11 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The Department failed to properly investigate a homicide case.

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

FINDINGS OF FACT: The complainant, the mother of a homicide victim, stated the Department failed to properly pursue the case involving her son's murder. She stated the Department should have solved the case. At the time this homicide occurred, the Homicide Bureau was understaffed and the two-person rotations were seriously overworked. There were nearly 100 homicides in San Francisco during that time period. Moreover, inadequate staffing frustrated the Bureau's ability to consistently comply with the provisions of Unit Order 03-07 which outlines communications procedures for officers dealing with families of homicide victims. Since 2009, additional inspectors have been assigned to Homicide. Four-person teams have been implemented, along with an improved backup system, however current budget restraints may have the effect of curtailing this increased level of staffing.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/08/11 **DATE OF COMPLETION:** 02/23/11 **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 was cited for parking in a bus zone and for having expired registration tabs, a violation of California Vehicle Code section 5204(a).

The complainant stated he parked in a red bus zone because he did not feel well and wanted to go into the nearest store to buy some sparkling water. He stated his registration tags were expired but he had already been given a “fix-it” ticket less than two weeks earlier.

The complainant actually had been cited for a violation of California Vehicle Code section 4000(a)(1) two weeks before this incident. There are no exceptions for being ill in the Vehicle Code for parking in a bus zone. The officer had the discretion to cite the complainant. His actions were proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/11 **DATE OF COMPLETION:** 02/16/11 **PAGE #1** of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/15/11 **DATE OF COMPLETION:** 02/16/11 **PAGE #1** of 1

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

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

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

Internal Affairs Division
San Francisco Police Department
850 Bryant Street, Rm. 545
San Francisco, CA 94103

SUMMARY OF OCC ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/15/11 **DATE OF COMPLETION:** 02/16/11 **PAGE #1** of 1

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

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

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

Santa Rosa Police Department
Administration Department
965 Sonoma Avenue
Santa Rosa, CA 95404

SUMMARY OF OCC ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/10 **DATE OF COMPLETION:** 02/03/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer authorized the entry into the complainant's home without cause.

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

FINDINGS OF FACT: Based on the totality of the circumstances the officer's authorization to force entry into the residence was not a violation of the law. An occupant of the home had been arrested. The arrested individual had a cell phone and opportunity to warn others of his arrest. Visitors had come to the house and an occupant had been seen inside the home during officer surveillance of the house pending the arrival of the search warrant. The officer's actions were lawful and justified.

SUMMARY OF ALLEGATION #2: The officer authorized the search of the complainant's home without cause.

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

FINDINGS OF FACT: Based on the totality of the circumstances the officer's authorization to conduct a protective sweep of the residence pending the arrival of the search warrant was not a violation of the law. An occupant of the home had been arrested. The arrested individual had a cell phone and opportunity to warn others of his arrest. Visitors had come to the house and an occupant had been seen inside the home during officer surveillance of the house pending the arrival of the search warrant. There is no evidence that the officers exceeded the scope of a protective sweep. The officer's actions were lawful and justified.

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DATE OF COMPLAINT: 02/16/10 **DATE OF COMPLETION:** 02/03/11 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant said her husband's antique guns were removed from her home and she was not given a property receipt for them. The officers said she was not given a property receipt because the items were booked into evidence and are listed as such on the incident report. The evidence proved that the acts, which provided the basis for the allegation, occurred, however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #4-6: The officers intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant said officers damaged the wall and ceiling of her son's bedroom during the execution of the search warrant. The complainant said that the tire cover in the trunk of her car was damaged during the officer's search. All officers denied damaging any property during the course of the search to the home and the vehicle. The officers stated that the damage referred to by the complainant pre-existed their search. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/08/10 **DATE OF COMPLETION:** 02/28/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The complainant alleged that the officer while acting undercover during a drug sale, inappropriately touched her when she told him to prove that he was not a cop by touching her exposed breast. The officer said that he was put on the spot and did not want to jeopardize his safety or that of the operation. The Office of Citizen Complaints recommends that the officer be retrained to avoid contact with an intimate part of a subject's body during a buy-bust operation while at the same time be provided effective strategies to prevent being exposed as an undercover officer. The Office of Citizen Complaints also recommends that the Department develop written training materials that instruct officers how to maintain their undercover status while enabling officers to avoid contact with any intimate part of a subject's body. Lastly, the Office of Citizen Complaints recommends that officers be required to document in an incident any illegal or inappropriate conduct that an officer has to engage in to maintain the officer's undercover status.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/10 **DATE OF COMPLETION:** 02/03/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant and co-complainants stated the officer detained the co-complainants without justification. A witness at the scene observed the officer detain one of the co-complainants. She stated the officer detained him because he had warrants. Although the witness did not see the other co-complainant detained, this co-complainant admitted that she had no identification in her possession. Her dog was leashed but running loose at the time, a violation of a local ordinance. The officers were required to transport the co-complainant to the police station to obtain sufficient evidence of her identity. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #4: The officer pushed the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated the officer painfully twisted her wrist and pushed her when he detained her. The complainant denied resisting the officer's detention. The witness did not observe all of the co-complainant's detention. The other witnesses did not observe the co-complainant's detention from the beginning. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/08/10 **DATE OF COMPLETION:** 02/03/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3: The officer used unnecessary force when he shot a dog.

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

FINDINGS OF FACT: The complainant and co-complainants stated that the officer should not have discharged his weapon, killing one of two large dogs involved in a dogfight. The incident took place at a recreation area open to joggers, ball players and in the immediate vicinity of a children's playground with low fencing and open gates. The playground was crowded with preschoolers and their guardians at the lunch hour. The co-complainants required transport to a local police station and had to relinquish control of their dogs prior to transport. Both co-complainants owned dogs that were running off leash in an area not designated as an off-leash area for dogs. Only one dog had a leash, and it was not held by its owner. Instead of having the dogs impounded by Animal Care and Control, the officers allowed the co-complainants to remand control of the dogs to an acquaintance. Both dogs were male, and one of them was not neutered. The dogs were attached at the neck at very close range. The person who assumed responsibility for the dogs attempted to leave the area with the dogs while their owners were detained.

The dogs became agitated and fought in a vicious and dangerous manner. The person who held the dogs let go of them. The scene became chaotic. Because of the dogs' unconventional physical connection, officers could not stop the fight. Officers tried OC spray and wedging their batons between the dogs. Their efforts proved ineffective. During the wedging process, officers reported that the dogs snapped or lunged at them, causing a threat of harm. At that time, the named officer had already drawn his service weapon, holding it in the low ready position. At least three of the officers left the officer's side, two seeking to have the co-complainants use verbal commands on their dogs to stop the fighting, the other to retrieve another weapon. The named officer was left without close cover. Suddenly, the dogs lunged toward the officer. The officer felt endangered by the dogs and fired a single shot, killing the dog closest to him. There was no opportunity to call upon the co-complainants to assist. The dogs continued to fight, until the wounded dog died, still attached to the second dog.

A supervisor experienced in canine operations arrived at the scene. Using a baton, he wedged the surviving dog off the deceased dog and unclipped the dogs. The evidence proved that the act by the member was justified by a Departmental policy. However, the OCC recommends that the OCC's previous policy recommendation concerning vicious and dangerous animals, dated May 27, 2003, be implemented.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/10 **DATE OF COMPLETION:** 02/02/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved in a rude manner.

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

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

SUMMARY OF ALLEGATION #2: The officer conducted a pat search of the complainant without justification.

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

FINDINGS OF FACT: The complainant did not consent to being searched and the officer did not have a particularized and objective basis for believing that the complainant was armed and dangerous. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable law, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/11/10 **DATE OF COMPLETION:** 02/22/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers detained him without justification. The officers admitted detaining the complainant because they were dispatched to the scene regarding the complainant acting erratically. The reporting party of the incident contacted the San Francisco Police Department because the complainant threatened him verbally and with a weapon. 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 used excessive force.

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

FINDINGS OF FACT: The complainant stated the officers used excessive force on him during his detention. Both officers denied the allegation. There is no evidence that the witness was present the entire time the officers were engaging with the complainant. The witness is not independent, as he summoned the police. The complainant was physically resisting the officers. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/25/10 **DATE OF COMPLETION:** 02/02/11 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officers held him down while another officer hit him in the face and in the torso. The officers denied that this incident took place. 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 ALLEGATIONS #3-5: The officers used excessive force during the arrest.

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

FINDINGS OF FACT: The complainant stated the officers used excessive force during his arrest. The officers stated there was force used on the complainant during the arrest but it was justified due to the complainant's resistance and was documented according to Department policies. 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
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DATE OF COMPLAINT: 03/25/10 **DATE OF COMPLETION:** 02/02/11 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #6: The officer failed to identify himself as a police officer.

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

FINDINGS OF FACT: The complainant stated the officer was in plain clothes and did not identify himself as a police officer when he approached him. The officer stated he had his SFPD star displayed on the front of his clothes and verbally announced himself as a SFPD officer. 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 #7: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was arrested without cause. Another officer notified the officer that he observed the complainant in a drug transaction and to arrest him. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 03/25/10 **DATE OF COMPLETION:** 02/02/11 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #8: The officer placed the handcuffs on too tight.

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

FINDINGS OF FACT: The complainant stated the officer put the handcuffs on too tight and would not loosen them. The officer stated he did not hear the complainant complain of the handcuffs being too tight and if the complainant had complained he would have loosened the handcuffs. 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 #9: 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. 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
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DATE OF COMPLAINT: 03/31/10 **DATE OF COMPLETION:** 02/11/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION 1: The officer conducted himself in a rude, demeaning and confrontational manner, behaved unprofessionally and made false claims.

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

FINDINGS OF FACT: The officer denied behaving in the alleged manner and explained why he told the complainant to “grow up.” There is insufficient evidence to prove or disprove the complained of conduct, therefore, there is not a preponderance of the evidence to prove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/10 **DATE OF COMPLETION:** 02/28/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to follow proper procedures as required under DGO 5.20

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

FINDINGS OF FACT: The complainant stated the officer and his partner denied her request to file her report of a suspected burglary in her native language. The preponderance of the evidence established that the officer's partner failed to comply with Department General Order 5.20, and that the officer at some point in time provided interpretation services when the complainant and a witness on scene requested it or insisted on it. The officer denied any responsibility as the reporting officer and stated his role was limited to providing interpretation for the reporting officer, his partner. There were conflicting statements between officers and civilians at the scene of this incident with respect to the facts reported, the time that interpretation was provided or allowed to occur, and the rationale to document the incident as a suspicious occurrence rather than a burglary. There is insufficient evidence to either prove or disprove the allegation against this officer.

SUMMARY OF ALLEGATION #2: The officer failed to follow proper procedures as required under DGO 5.20

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

FINDINGS OF FACT: The preponderance of the evidence established the officer failed to comply with Department General Order 5.20, Language Access Services for Limited English Proficient (LEP) Persons. The officer failed to identify the primary language spoken by the complainant/victim, the person who provided the interpretation, the manner in which interpretation services were provided, and issued the complainant an English version of the SFPD 105 Form.

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATIONS # 3-4: The officers' behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant, through the assistance of a friend, requested in Spanish that 911 dispatch police to her home to take a stolen purse report. When officers arrived, they insisted that the complainant could and should speak in English. Although the Computer Assisted Dispatch (CAD) indicates that dispatch used a Spanish interpreter to speak with a reporting party, there is no system or protocol in place that systematically notifies the responding officers that dispatch relied upon a language interpreter to take the reportee's call and/or the reportee has requested language assistance. To more efficiently respond to 911 calls for service from LEP callers, the OCC recommends that the San Francisco Police Department and the Department of Emergency Management enhance their communication protocols concerning LEP callers, so that assigned officers are immediately informed of a reportee's language assistance request. The Office of Citizen Complaints also recommends that San Francisco Police Department enhance its language access training to emphasize that a language interpreter's assistance to dispatch on a 911 call is an affirmative indication that the assigned officers need to plan for and provide language assistance at the scene. The Office of Citizen Complaints finds that the allegations of conduct reflecting discredit for inappropriate behavior and comments are the result of both a policy and training failure.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/10 **DATE OF COMPLETION:** 02/28/11 **PAGE#** 1 of 2

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 his ex-girlfriend phoned him, saying her boyfriend kidnapped her. The complainant came to the scene. As the two spoke on the street, the boyfriend allegedly grabbed her by the arm and took her back into the hotel. The complainant summoned police. Officers arrived and investigated. They contacted the boyfriend in his hotel room. Officers searched the boyfriend and his room, with negative results. Officers searched the hotel and reviewed its register. They found no evidence the girlfriend was a visitor. The officers concluded there was no merit to the kidnapping call. The complainant and his former girlfriend have a restraining order against the boyfriend but there was insufficient evidence of a violation at the scene. There was insufficient probable cause to arrest the boyfriend. The named officer was not the primary responder. The named officer served as backup for the investigation and contacted the complainant on the street and later at a local police station. The officer accepted a counter report regarding the complainant's contacts with the boyfriend in alleged previous violations of the restraining order. The officer denied the complainant sought to have the current incident documented. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant said an officer told him he "better not see him" at a specific location. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/01/10 **DATE OF COMPLETION:** 02/28/11 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer made inappropriate comments/ acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant said the officer expressed favoritism toward the suspect, stating he favored him due to his race. The complainant alleged officers should have arrested the suspect for kidnapping. The officer denied the allegation. The officer stated that he was not the primary officer at the scene and that if there had been merit to the call, he and other officers would have arrested the suspect. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/05/10 **DATE OF COMPLETION:** 02/07/11 **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 the allegation. The witness was unresponsive to the OCC request. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION 2: The officer threatened the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The witness was unresponsive to the OCC request. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/05/10 **DATE OF COMPLETION:** 02/07/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer treated the complainant in a disparate manner.

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

FINDINGS OF FACT: The officer denied the allegation. The witness was unresponsive to the OCC request. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer believed he prepared the E585. No documentation of the E585 traffic stop was found. **Department Bulletin #07-049, “Additional Traffic Stop Data Collection Program Information”** is a Class “A” Bulletin issued on March 7, 2007 and mandates the collection of traffic stop data in E585 entries. The bulletin states: “...Members with access to an MDT shall collect this data by entering the information into the mask provided on their MDT on all traffic stops.... Members without immediate access to an MDT, (e.g., solos and foot beats) shall manually enter the data onto the printed traffic stop data collection worksheet. Once back at their station or units, all solos, beat officers and P-2 solo officers (assigned to district stations) shall enter that data electronically into the ICAD terminal using the E585 mask. Members will submit the worksheet to their platoon commanders. All data worksheets shall be retained at the station or company....” A **preponderance** of the evidence proved that the conduct did occur, and that using as a standard the applicable regulations of the Department, the officer was neglectful.

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

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

FINDINGS OF FACT: The named member made the decision to detain the complainant based upon the statement of the reportee and the complainant's behavior. Numerous witness officers at the scene corroborated the behavior of the complainant. An evaluation of the totality of the circumstances support the officer's decision to detain the complainant. The detention was within the applicable regulations of the Department and was therefore, justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer used unnecessary force against the complainant during his transportation to the hospital.

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

FINDINGS OF FACT: The officer denied the allegation. A witness inside the ambulance at the time of the transportation denied that the officer committed the alleged act. There were no other occupants in the back of the ambulance during the transport. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer used a sexual slur toward the complainant.

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

FINDINGS OF FACT: The officer denied saying or hearing the alleged comment made. The paramedic inside the ambulance denied that either he or the officer made the alleged comment. There were no other occupants in the back of the ambulance at the time. The investigation failed to disclose sufficient evidence to identify the offending party, therefore prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant admitted he committed battery on the arresting officer, but alleged that one or more officers struck him several times on the right side of his face after he was handcuffed and lying on the ground. Both officers denied the allegation. The arresting officer stated the complainant was intoxicated and hit his face against a wall when the complainant ran away from the officer as he was trying to control and place the complainant under arrest. The officer and other witnesses stated the complainant was intoxicated, resisted arrest and struggled with the officers. Witnesses provided conflicting statements regarding their observations of the arrest. OCC attempts to obtain statements from other witnesses on scene were unsuccessful. Video footage of this incident shows the complainant resisting arrest and falling face forward onto a hallway floor while the arresting officer was attempting to place him into custody. The video footage also shows numerous witnesses interfering with the arrest of the complainant but is inconclusive as to whether any officer struck the complainant in the face. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he stopped to urinate between two parked cars when an unknown male walked up to him and asked for some change. The complainant said he ignored the man and went back into his car. The complainant denied selling drugs. The officers stated they observed the man enter the complainant's car and emerge with marijuana, which he sold to the buy officer. There were 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 arrested the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant stated she was sitting in the passenger seat when several plainclothes officers stopped the complainant and accused him and her of selling drugs and arrested them. The co-complainant denied selling drugs. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3-5: The officers used excessive force at the scene.

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

FINDINGS OF FACT: The co-complainant stated she was struck in the head with a walkie-talkie and her hair was pulled when placed in the patrol car. The co-complainant said one undercover officer hit her boyfriend on the chest with his fist. The co-complainant denied resisting the officers attempt to get her into the wagon because she wanted to see what they were doing to her boyfriend. The officers denied the allegation. There were no witnesses. The jail medical records document that the complainant complained that she was struck on the back of the head with a walkie-talkie and that her hair was pulled. The records documents that there is no obvious injury or tenderness noted. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The complainant and co-complainant stated an officer used profanity against the co-complainant during the arrest. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS # 7: The co-complainant was strip searched without cause.

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

FINDINGS OF FACT: The co-complainant stated she was strip searched against her will and humiliated. The co-complainant denied having drugs on her person. The officer stated the strip search was based on probable cause that the co-complainant was involved in selling drugs. Three female officers assisted in this narcotics investigation by conducting the strip search. The officers had reasonable suspicion to believe the co-complainant was involved in selling drugs. The strip search was approved by a supervising officer and the strip search was conducted per the Department Booking and Detention Manual (DM 12).

SUMMARY OF ALLEGATION #8: The complainant's vehicle was towed without cause.

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

FINDINGS OF FACT: The complainant stated his car was towed for no reason. The officers stated the car was towed incident to arrest and also held for narcotics investigation. Per DGO 9.06 officers have the authority to tow the vehicles incident to arrest and for investigation.

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SUMMARY OF ALLEGATION #9: The complainant's property was not returned.

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

FINDINGS OF FACT: When his case was dismissed, the complainant attempted to retrieve his property (cash), but he was told that the charges were going to be refiled and that he could not get back his seized money. The complainant did not know why his money was still being held, because all charges against him were dismissed. An officer stated the case is being reviewed by the District Attorney, who has up to three years to decide whether to refile charges. The complainant's property was not released because the case is still pending review by the District Attorney.

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

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

FINDINGS OF FACT: The CAD did not have an E585 entry for this incident. The complainant stated that several unmarked vehicles stopped him. The officers stated that they followed the complainant and called a marked unit to conduct a traffic stop. The officers stated that, as they followed the complainant, he stopped in traffic and they were behind with no lights or sirens. They stepped out of their cars and approached the complainant to detain him. The officers stated that were not required to make an E585 entry, per the applicable department bulletin. The department bulletin states that officers who make 916 stops *should* make an entry, not *shall*, therefore it is not mandatory. Also, the officers were trying to follow the protocol by requesting a marked unit, however, this opportunity came first before the marked unit arrived.

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

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

FINDINGS OF FACT: The officers denied the allegation. The officers conducted a traffic stop on a vehicle for failing to stop at a stop sign. The driver was subsequently cited for the vehicle code violation and for being an unlicensed driver. An inventory search was conducted and the vehicle towed. During the inventory search the officers located and seized a glass pipe from within the vehicle. The officers also found marijuana and concentrated cannabis inside the complainant's backpack. The complainant had a valid medical marijuana patient card, however, she was arrested for possession of the concentrated cannabis. The officers placed the narcotics into an envelope and booked it into evidence. The narcotics were not weighed or photographed for evidence. SFPD narcotics inspector, a subject matter expert, corroborated that possession of concentrated cannabis or "hash" is a felony. The narcotics inspector also relayed that officers are not required to weigh or photograph on arrests involving the seizure of marijuana. SFPD lab analysis concluded the narcotics as "Marijuana" yet failed to indicate an amount or weight of the drug. The district attorney dismissed the charges against the complainant due to insufficient quantity of prohibited substance.

OCC researched the possession of concentrated cannabis. There is a State of California Attorney General Opinion No. 03-41 dated 10/21/03, which concluded that concentrated cannabis or hashish is included within the meaning of "marijuana" as that term is used in the Compassionate Use Act of 1996". An SFPD sergeant from the written directives unit stated the Department does not recognize the State of California Attorney General Opinion No. 03-411, as it is just an opinion and not a law. OCC will make a policy recommendation that SFPD follow the Attorney General Opinion No. 03-411 to include concentrated cannabis or hashish with the meaning of marijuana as the term is used in the Compassionate Use Act of 1996. Furthermore, OCC will recommend that officers weigh and take photographs of any and all marijuana seized for criminal charges.

The evidence proved that the act by the members were justified by Departmental policy, procedure, or regulation; however, the OCC recommends a change in the particular policy, procedure or regulation.

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SUMMARY OF ALLEGATION #3-4: The officers searched the complainant's property without cause.

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

FINDINGS OF FACT: The officers observed the driver fail to stop at a stop sign and stopped the vehicle for the violation. The officer confirmed the driver was unlicensed and asked the occupants to step out of the car to conduct an inventory search prior to towing the vehicle. The complainant stated she left her backpack in the vehicle. Both officers said they smelled an odor of marijuana emanating from the vehicle. While conducting an inventory search, the officers observed and seized a glass pipe "bong" from the vehicle. Suspected marijuana and concentrated cannabis was located during a search of the complainant's backpack. The complainant corroborated the driver went through a stop sign and she acknowledged the glass pipe and backpack with marijuana belonged to her. The officers made a valid traffic stop, had the authority to tow and inventory the vehicle. With the odor of marijuana present and the discovery of a glass pipe with burnt marijuana, the officers had probable cause to search the car compartment and containers, which includes purses or backpacks that, might reasonably contain marijuana.

SUMMARY OF ALLEGATION #5-6: The officers were biased toward the complainant due to her sex and race.

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

FINDINGS OF FACT: The officer denied the allegation. One officer thought the occupants of the vehicle including three males and one female were Hispanic. The officers corroborated the complainant's race was never a factor in the reason for the stop, nor of the search or the arrest of the complainant. She was arrested because the narcotics were located in her purse and she claimed the glass pipe belonged to her. The officers said the arrest of the complainant had nothing to do with her sex and race.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to collect traffic stop data pursuant to SFPD Bulletin 08-268.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer said the MDT in his patrol car was functional and he was aware of the Department requirement to collect traffic stop data. He thought completing the collection worksheet and leaving it in the supervising officer's inbox was an option to fulfilling this mandatory duty. The bulletin mandates that members with access to an MDT shall collect this data by entering the information into the mask provided by their MDT on all traffic stops. The officer violated the mandatory requirement of collecting traffic stop data as stated in the Bulletin.

SUMMARY OF OCC ADDED ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: One complainant alleged the named officer used profanity in dealing with detainees. The named officer denied the allegation. Ten witness officers said they did not hear the officer use profanity or said they did not recall the incident. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that a woman had been tackled and arrested without doing anything to justify that. The named officer and one witness officer denied the allegation. Two witnesses told the OCC that they had reported the arrested woman had struck one of the witnesses. Department records indicated that a victim had signed a Citizen's Arrest Form. A video record submitted by a complainant captured the report of the crime to the named member. The evidence showed that the acts, which formed the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: Three complainants alleged that an officer “tackled” a subject and used unnecessary force in subduing her. The named officer denied the allegation, stating that he used pain-compliance techniques to subdue a resistant subject. One witness officer confirmed the complainant was resistant. Nine witness officers said they were not present for, or did not recall, the named officer’s use of force. Two witnesses said they did not see anything improper in the use of force. A video record of the incident did not produce definitive evidence about the use of force or the level of resistance the officer reported. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: Four complainants stated that the named officer broke a glass bottle in the street, stomped on a can of liquid in the gutter and failed to pick up the glass. The named officer acknowledged he threw a glass bottle in the street, but explained that he was attempting to throw it in a dumpster and it bounced off the dumpster, and into the street. The named officer did not recall stomping on a can in the gutter. Two witness officers saw the named officer throw the bottle in the street but could supply no reason for him doing so. Ten witness officers said they did not recall or did not see the named officer stomp on a can in the gutter. Two other witnesses said they saw the officer throw a bottle in the street. A video record of the incident, submitted by a complainant, clearly showed the named officer throwing the bottle in the street, and showed the bottle did not bounce off a dumpster. The video record also clearly showed the named officer stomping on a can of liquid in the gutter. A preponderance of the evidence proved that the conduct complained of did occur and that, using as a standard the regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #5: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: Four complainants alleged that an officer declared onlookers observing an arrest to be an “unlawful assembly,” and threatened to arrest them if they did not disperse. The named officer acknowledged that he threatened to arrest people at the scene but said he did so because the people at the scene were crowding his officers, impeding the officers’ efforts and yelling and screaming. One witness officer said the named officer was trying to calm a chaotic scene that he felt could have become riotous. Four officers who were on the scene said they did not see any actions on the part of the people observing the arrest that arose to the level of an unlawful assembly. One other witness stated she saw people merely standing around watching the named officer’s arrest, and calmly questioning why he was acting the way he was. A video record of the incident supplied by a complainant demonstrates that the onlookers to the arrest were not impeding the actions of the officers, screaming or yelling, or conducting themselves in any illegal manner at the time the officer threatened to arrest them if they did not disperse. A preponderance of the evidence proved that the conduct complained of did occur and that, using as a standard the regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said he was attending a private party when the officer saw and arrested the complainant for running an illegal nightclub. The officer said he responded to the scene of this incident as a result of an anonymous call to Department of Emergency Management reporting men brandishing firearms. Officers responded to this incident but did not find anyone brandishing a firearm. One of the officers did observe that the venue appeared to be an illegal nightclub, and the officer investigated further. He discovered and seized evidence to support his suspicion. Additionally, the officer stated he developed witnesses who identified the complainant as the person responsible for throwing the party. The officer recognized the complainant from a similar previous encounter where he had admonished the complainant for throwing an illegal party; the officer arrested him on this occasion for being a repeat offender. No independent witnesses were developed to corroborate the complainant's allegation. There is 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:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleged that since he was falsely arrested, the arresting officer had no justification to handcuff him. The officer said he arrested the complainant for being a repeat offender in running an illegal nightclub. Accordingly, he placed the complainant in handcuffs as part of standard police procedure when taking someone into custody. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged the officer used profanity while the officer had the complainant in custody. The officer denied this allegation. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer harassed him because of a prior contact the complainant had with the officer. The officer denied harassing the complainant and said he arrested the complainant because witnesses the officer developed informed the officer the complainant was responsible for throwing the party in question. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer retaliated against the complainant.

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

FINDINGS OF FACT: The complainant alleged the officer retaliated against him because the complainant had filed a previous OCC complaint against the officer. The officer denied retaliating against the complainant. The officer said he arrested the complainant for being a repeat offender in running an illegal nightclub. No independent witnesses were developed to corroborate the complainant's 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 ALLEGATIONS #1 & 2: The officers used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant alleged the officers became hostile with her. She indicated the officers had no justification grabbing and twisting her arms. Because of the officers' actions, her fingers became numb. The officers said the complainant double parked her car in a traffic lane (which she admitted) and confronted them in the middle of arresting some suspects. The complainant, who was not part of the investigation, asked questions about the arrest. The officers stated they were under no obligation to answer the complainant's questions under DGO 5.07, Rights of Onlookers, and for officer safety reasons and because she was violating the law by double parking her car in a lane of traffic. The officers, therefore, told the complainant to move on. The officers said the complainant became loud and belligerent, berated them, directed profanity at them, impeded the flow of vehicular traffic and refused repeated commands to leave the location. Accordingly, one of the officers decided to cite the complainant; then, the complainant decided to leave. The officer said he used minimal force and described his efforts in detaining the complainant. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3 & 4: The officers displayed inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant said one of the officers made threatening comments to her. She further alleged that another officer removed the keys from the ignition of her automobile, forcing her to remain at the location. The officer denied making inappropriate or threatening comments to the complainant. The other officer admitted removing the car keys from the ignition, but did so because the complainant was attempting to leave after officers decided to issue her a citation. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5 & 6: The officers intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant alleged that the officers intentionally damaged her automobile's ignition switch as a result of the officers' detaining her and removing the key from the ignition. The officers denied damaging the ignition. The officers stated the complainant did not mention any damage at the time of this incident. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officers were not justified in issuing a citation to her even though she admitted to stopping her vehicle in the middle of the street, walking away from it towards the officers, and questioning the officers about their actions. The officers said the complainant was loud, hostile, belligerent and attracting several onlookers. Additionally, the officers said the complainant berated them, directed profanity at them, impeded the flow of vehicular traffic, and refused repeated commands to leave the scene of the incident thereby interfering with an investigation the officers were conducting. Consequently, one of the officers decided to cite the complainant. 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's threatening behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer was rude, aggressive, unprofessional, and inappropriate. The complainant said her children became nervous by the officer's aggressiveness toward her. The complainant stated she felt the officer had a "bad day" and took it out on her. The officer denied the allegation. The officer said the complainant cried and stressed herself, which may have caused her children to be nervous. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: In the course of the investigation into the initial complaint, the OCC found that the officer failed to document the complainant's traffic stop, as required by the Department Policy on Traffic Stop Data Collection, specifically the Department Bulletin No. 08-268 (Additional Traffic Stop Data Collection Program Information). At his OCC interview, the officer admitted that he did not record the complainant's traffic stop. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant said he called the police to report threats made against him. When officers arrived, he reported the threats to an officer, who refused to take a police report and instead queried his identification and pat searched him. The officer denied that the complainant reported a crime to him. One witness officer said the complainant refused police action other than to request that officers admonish one of the detainees. Another witness officer said the complainant did not want to make a police report. Officers described the complainant as uncooperative. The officer denied that the complainant ever requested a police report and said the complainant was uncooperative and did not explain the nature of the problem to him so he could determine whether or not a crime had been committed. Other officers at the scene denied having any contact with the complainant. There were no other available witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer conducted a pat search of the complainant without cause.

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

FINDINGS OF FACT: The complainant said when the officer came to interview him he insisted on pat searching him. The complainant was offended by the officer's actions as he was the one who called the police to report that he had been threatened. The officer said when he arrived on the scene he did not know the complainant's role in the incident or which of the parties had called the police. The officer said what he did see was the complainant yelling at and walking aggressively toward officers. The officer said he conducted a pat search of the complainant in an effort to render the scene safe. There were no other available witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1-2: The officers failed to investigate the traffic incident.

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

FINDINGS OF FACT: The officers responded to the scene of the traffic collision and took the appropriate information from the party/victim while at the scene. The complainant had left the scene of the incident and drove to the police station. The officers responded to the police station to complete their investigation. Based on evidence and statements, the officers determined the complainant was the hit and run suspect. The victim identified the complainant and her vehicle as the party involved in the traffic collision who fled the scene and the victim signed the citizen's arrest form. The officers took photos of the damage on the complainant's vehicle, the victim's injured hand and his damaged ignition key. The complainant's car was towed and her personal property booked for safekeeping. While at the police station, the complainant became aggressive and belligerent toward the officers. The investigating officer said the complainant was in an extremely agitated state and incapable of providing a coherent account of the incident. The victim, three witness officers and an audio recording corroborated the complainant's agitated emotional state. The traffic collision report and the incident report were thorough and complete. 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 detained the complainant without cause.

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

FINDINGS OF FACT: The officer received a dispatched call of the complainant driving a small red car and being chased by a person on a motorcycle. While catching up to the small red car, the complainant voluntarily pulled up to the police station. The complainant jumped out of her car and ran towards the police station. The officer assisted the complainant and brought her into the station for follow up. Shortly after, he communicated with other officers and discovered the complainant was a suspect in a hit and run traffic collision. During the detention, the complainant spat gum at and threatened a female officer. The complainant was properly detained to complete the cold show, citizen's arrest form by the victim, towing of the complainant's vehicle and to gather details necessary for officers to complete a traffic collision and an incident report. The witness corroborated he was willing and felt it necessary in responding to the station to identify the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred, however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 05/12/10 **DATE OF COMPLETION:** 02/03/11 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: The officer received dispatched calls of a road rage incident and responded to the police station after learning the victim had arrived there for assistance. Once they realized the complainant was a potential hit and run suspect, she suggested the complainant be moved to the female holding area. The officer said the complainant began to panic and became very agitated. The officer handcuffed the complainant and escorted her to the bench in the holding area. While handcuffing the complainant, she began to pull and move away and the named officer told her to stop resisting. The named officer said the complainant needed to be restrained and detained for her own safety. The witness and three witness officers corroborated the complainant's behavior became agitated, verbally combative, and aggressive. The evidence proved that the acts, which provided the basis for the allegations, occurred, however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #5: The officer pat searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated an Asian female officer searched her during the detention. The named officer did not recall searching the complainant. The named officer monitored the complainant in the holding area and is of Filipino descent. A female witness officer said the complainant was most likely searched, though could not recall who searched her. The complainant was placed under arrest for a hit and run violation, then threatened and spat at the named officer during the detention/arrest. A pat search was appropriate for the arrest and for officer safety in the police station. 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 inappropriately searched the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The complainant's allegation is not grounded in reality or is rational. The evidence proved that the acts alleged in the complaint did not occur or have no credibility based on the history of the complainant's mental status.

SUMMARY OF ALLEGATION #7: The officer used unnecessary force by stomping on the complainant's toe.

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

FINDINGS OF FACT: The officer denied the allegation. The officer monitored the complainant from the doorway of the holding area. The officer said the complainant threatened her life and spit saliva toward the named officer. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged officers laughed at her and threatened to "waterboard" her. All involved officers denied laughing at the complainant and denied threatening to "waterboard" her. The SFPD audio recording of the complainant's verbal ranting, depicts a low audible background throughout the recording. Unidentified persons can be heard laughing after the complainant states she can have the station bombed and not to laugh at her. The complainant seems to laugh along with the unidentified audience. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer failed to provide the Miranda admonishment.

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

FINDINGS OF FACT: The officer did not interrogate the complainant while in custody and therefore was not required to admonish the complainant of her Miranda rights. The evidence proved that the acts, which provided the basis for the allegations, occurred, however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 05/20/10 **DATE OF COMPLETION:** 02/28/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant alleged that the officers failed to conduct a proper investigation. The officers denied the allegation. The evidence shows that the officers spoke with the complainant and witnesses to the incident. The officers took into account their statements and prepared a report documenting the incident. Witnesses stated the officers stayed for almost an hour and had properly investigated the incident. The evidence, therefore, proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #3-4: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged that the officers behaved inappropriately and made inappropriate comments. The officers denied the allegation. Witnesses to the incident stated that the officers were professional during the contact. One of the witnesses stated that he heard no inappropriate comments from the officers. The evidence, therefore, proved that the act alleged in the complaint did not occur.

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DATE OF COMPLAINT: 05/20/10 **DATE OF COMPLETION:** 02/28/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer searched a residence without cause.

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

FINDINGS OF FACT: The complaint stated that the officer and his team searched his residence without cause. The complainant admitted that he allowed the officers to enter his residence to speak to a roommate. When the roommate exited her room in the apartment, officers observed narcotics and paraphernalia in the room and another person in the room cutting marijuana. Once the officers were legally inside the apartment and they observed illegal narcotics in plain sight, the officers had probable cause to enter and search that area and the areas that the complainant had allowed them to enter and search. The officer's conduct was proper and lawful.

SUMMARY OF ALLEGATION #2: The officer arrested a person without cause.

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

FINDINGS OF FACT: The officer and his team were conducting a follow up investigation in regards to a lawful search warrant. They observed that the arrested person had narcotics and paraphernalia in the room that included marijuana, plastic baggies, methamphetamine, methamphetamine pipe and a spoon. The officers charged the arrestee with possession and possession for sales. These charges were later either dropped or diminished to a misdemeanor by the District Attorney's office. The evidence showed that the officer acted appropriately when they arrested the person and placed appropriate initial charges against her that were later dropped by the District Attorney.

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DATE OF COMPLAINT: 06/02/10 **DATE OF COMPLETION:** 02/16/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officers committed neglect of duty by failing to file appropriate charges against the individual who assaulted him and spray-painted initials of a known hate group on different portable toilets. The complainant stated that instead of considering the incident as a hate crime, the officers brought up a simple graffiti charge against the individual. The officers denied the allegation. The evidence shows that misdemeanor graffiti and assault charges were brought against the perpetrator. The damages caused on the portable toilets were less than \$400.00. The officers had the option to either file a misdemeanor or a felony charge against the individual, depending on the amount of damage on the property. Also, the task to investigate hate crime incidents belongs to SID. In this case, SID conducted two separate investigations and filed corresponding charges with the District Attorney's office. The evidence therefore proved that act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/07/10 **DATE OF COMPLETION:** 02/11/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: Based on the information provided by the complainant, the OCC was unable to identify any involved San Francisco Police Department officers or locate any incident involving San Francisco Police Department officers. Officer polls to multiple stations did not identify the involved officer. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: Based on the information provided by the complainant, the OCC was unable to identify any involved San Francisco Police Department officers or locate any incident involving San Francisco Police Department officers. Officer polls to multiple stations did not identify the involved officers. 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: Based on the information provided by the complainant, the OCC was unable to identify any involved San Francisco Police Department officers or locate any incident involving San Francisco Police Department officers. Officer polls sent to multiple stations did not identify any officer. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer was biased, due to the complainant's race.

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

FINDINGS OF FACT: Based on the information provided by the complainant, the OCC was unable to identify any involved San Francisco Police Department officers or locate any incident involving San Francisco Police Department officers. Officer polls sent to multiple stations did not identify any officer. There is insufficient evidence to either prove or disprove the allegation.

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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 alleged the officer stopped to question him about an altercation that had recently occurred. The complainant further alleged that the officer stopped him on the basis of his race. The complainant later went to the location where police had detained a suspect and observed the suspect was much younger and wearing different clothing. Dispatch records show that officers received a priority call describing an assault and the location where the suspect was presently walking. The officer saw the complainant walking in this vicinity. The officer said that although the complainant did not match the suspect's exact description broadcast over the police radio, the description of the complainant was reasonably close to that of the suspect. The officer stated that occasionally witnesses and dispatch personnel make errors in providing a description. The officer decided to stop and engage the complainant in conversation with the hope of determining whether the complainant was in fact the suspect. While talking to the complainant, the officer heard over the radio that other police units had detained the suspect. The officer terminated his conversation with the complainant, and went to the location where the suspect was detained. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer was rude, abusive and insulting when the officer confronted the complainant about an altercation that recently occurred at a nearby location. The complainant allegedly told the officer he had not been in an altercation with anyone, and offered to accompany the officer to the location where the incident took place in order to confirm the complainant was not the suspect. The officer said that while talking to the complainant, the officer heard other police units indicate they had detained the suspect. The officer abruptly terminated his conversation with the complainant because the complainant appeared to want to lengthen the duration of the contact. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer had no reason to stop him. The complainant said he later saw that the suspect arrested wore different clothing and was much younger than the complainant. The officer said he did not detain the complainant or request any identification from the complainant, but attempted to engage the complainant in casual conversation. Dispatch records support the fact that an assault had been committed, and the complainant was in the same vicinity where the suspect was reported to have been walking. The officer said that although the complainant did not match the suspect's exact description broadcast over the police radio, the complainant bore a reasonable resemblance to the suspect. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/11/10 **DATE OF COMPLETION:** 02/04/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer detained the complainant without justification on September 20, 2009.

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

FINDINGS OF FACT: The complainant stated he was detained after the officer saw him give “something” to a friend. He said he was just “hanging out.” The officer stated that he observed the complainant in a high crime area repeatedly beckoning to, stopping and engaging in conversations with passersby. He was also signaling to vehicles as they were driving by, consistent with offering narcotics. The officer stated that the complainant did not get on any of the several MUNI buses that stopped. The officer’s partner confirmed this account of events. The officer stated that he believed the complainant was loitering in an area where narcotics are sold. Department General Order 5.03 states that officers may briefly detain a person for questioning if the officer has reasonable suspicion that the person’s behavior is related to criminal activity. The officer articulated specific facts to justify his actions. His actions were proper.

SUMMARY OF ALLEGATION #2: The officer searched the complainant without cause on September 20, 2009.

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

FINDINGS OF FACT: The officer stated the complainant was detained pending his investigation into the complainant’s activity that appeared to be consistent with the sales of narcotics. The complainant was wearing a bulky, puffy jacket, which could have easily concealed a weapon. The officer stated that those who engage in the sale of narcotics often possess weapons to defend their drug stash; the officer stated he believed that the complainant might have been armed and dangerous. While performing a pat search, he felt several hard objects inside the complainant’s right front pants pockets and retrieved four keys, which he handed to the complainant. The officer’s partner also stated the complainant was wearing a large, baggy, puffy jacket that could have concealed a weapon. The area they were in had numerous violent incidents with weapons. Based on his training and experience, the officer knew that people who loiter in narcotics areas may have weapons to protect themselves or their acquaintances. For everyone’s safety, the named officer conducted a pat down search of the complainant for weapons. His actions were proper.

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SUMMARY OF ALLEGATION #3: The officer detained the complainant without justification on January 15, 2010.

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

FINDINGS OF FACT: The officer stated that he observed the complainant provide a Muni transfer to an unknown male in violation of 483 PC, selling transfers. The officer stated that he has issued numerous citations to individuals selling MUNI transfers and knew that the complainant was not a MUNI employee. Based on his training and experience and the complainant's actions, the officer believed that the complainant was selling MUNI transfers. He later found 220 MUNI transfers in the complainant's pockets. The officer's partner stated he and the officer were stopped at a red light when the officer told his partner he saw the complainant selling MUNI transfers. Per DGO 5.03, officers may briefly detain a person for questioning if the officer has reasonable suspicion that the person's behavior is related to criminal activity. The officer articulated specific facts to justify his actions. His actions were proper.

SUMMARY OF ALLEGATION #4: The officer searched the complainant without cause on January 15, 2010.

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

FINDINGS OF FACT: The officer stated he smelled a strong odor of marijuana on the complainant's clothing. The complainant acknowledged smoking marijuana earlier that day. The officer then searched the complainant for marijuana and MUNI transfers and found 220 MUNI transfers in the complainant's pockets. The officer did not find any marijuana. The office's partner stated the officer told the complainant he smelled like marijuana. The complainant said he had smoked some earlier for his pain. The officer had probable cause to search the complainant. His actions were proper.

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged the officer used profanity towards him. The officer denied the allegation. No witnesses came forward. There is 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 alleged the officer threatened to impound the complainant's truck. The officer denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/24/10 **DATE OF COMPLETION:** 02/28/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: An unidentified officer failed to properly process property

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. Based upon the information from the complainant and information gained during the course of the investigation there is insufficient information to proceed with the investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/24/10 **DATE OF COMPLETION:** 02/28/11 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The officers received a report by a female park employee concerning the complainant, who was drinking alcohol and harassing her and other individuals at the park. The officers were joined by two U.S. Park police officers who had received the same report of the complainant's behavior. The complainant was told to leave the park due to his disruptive behavior. Two store owners corroborated they had called the police to report the complainant's earlier obnoxious behavior. A public affairs officer stated there is a mutual aid agreement between SFPD and US Park police for joint jurisdiction. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: Two uniformed officers stated that they detained the complainant at the request of plain clothes officers who were conducting a narcotics investigation. The plain clothes officer stated that his justification for detaining the complainant was based on information provided to him by a Confidential Reliable Informant (CRI.) The CRI told the officer that the complainant possessed methamphetamine for sale. The identity of the CRI is not available to the OCC. There is no additional evidence to further prove or disprove the allegation. The information attributed to the CRI cannot be verified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4-6: The officers searched the complainant without cause.

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

FINDINGS OF FACT: Both uniformed officers stated that they detained the complainant at the request of a plain clothes Narcotics unit. One uniformed officer did not recall whether the complainant was searched. The second uniformed officer stated he believed that the complainant was pat searched for weapons. He stated neither he nor his partner searched the complainant's pockets. The plain clothes officer stated he searched the complainant's pocket during a narcotics investigation. This officer stated that the probable cause for searching the complainant was based on information provided to him by a Confidential Reliable Informant (CRI.) The CRI told the officer that the complainant possessed methamphetamine for sale. The officer stated that he has worked with this CRI "hundreds of times" over the past three years and that information provided by the CRI has resulted in dozens of arrests.

Probable cause may be defined as a reasonable belief that a crime had been or was going to be committed, and that the person searched or seized was involved in the crime. The officer stated that he believed, based on information provided by a CRI, that the complainant possessed methamphetamine for sale. The identity of the CRI is not available to the OCC. The information attributed to the CRI cannot be verified. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7: The officer strip-searched the complainant without cause.

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

FINDINGS OF FACT: The officer stated he detained and searched the complainant in the course of a narcotics investigation. His search of the complainant at the scene yielded negative results. He stated that based on his training and experience, drug dealers often conceal drugs in their body cavities. He stated the probable cause for strip-searching the complainant was based on information given to him by a Confidential Reliable Informant (CRI.) The CRI told the officer that the complainant possessed methamphetamine for sale. The officer stated that he has worked with this CRI “hundreds of times” over the past three years and that information provided by the CRI has resulted in dozens of arrests.

Probable cause may be defined as a reasonable belief that a crime had been or was going to be committed, and that the person searched or seized was involved in the crime. The officer stated that he believed, based on information provided by a CRI, that the complainant possessed methamphetamine for sale. The identity of the CRI is not available to the OCC. The information attributed to the CRI cannot be verified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer used profanity.

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

FINDINGS OF FACT: The officer denied using profanity. The complainant stated there were no witnesses to the officer’s remarks. There is no additional evidence to further prove or disprove the allegation. The allegation is not sustained.

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SUMMARY OF ALLEGATIONS #9: The officer made inappropriate comments.

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

FINDINGS OF FACT: The officer denied making inappropriate comments. The complainant stated there were no witnesses to the officer's comments. There is no additional evidence to further prove or disprove the allegation. The allegation is not sustained.

SUMMARY OF ALLEGATION #10: The officer failed to prepare a complete and accurate incident report.

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

FINDINGS OF FACT: The officer stated he deliberately omitted placing a description of the complainant's clothing in the incident report. He stated doing so could have jeopardized the confidentiality of the Confidential Reliable Informant (CRI) who contributed to the investigation. The uniformed officers who initially detained the complainant stated the officer provided them a complete description of the complainant.

This information would have been necessary to report in the event the officers detained and searched a person who did not closely match the description of the complainant. According to the officer, the CRI in the immediate vicinity of the complainant provided the officer by cell phone the exact location and description of the complainant. The identity of the CRI is not available to the OCC. The information attributed to the CRI cannot be verified. There is insufficient evidence to either 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:** NF/W **DEPT. ACTION:**

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

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force during the complainant's detention.

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

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

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SUMMARY OF ALLEGATIONS #5-6: The officers behaved inappropriately or made threatening comments.

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

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

SUMMARY OF ALLEGATION #7: The officer issued an invalid order.

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

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

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SUMMARY OF ALLEGATIONS #8: The officer used profanity.

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

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

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/07/10 **DATE OF COMPLETION:** 02/02/11 **PAGE #1** of 1

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

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

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

Department of Emergency Management
1011 Turk Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/09/10 **DATE OF COMPLETION:** 02/16/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The surveillance officer said he saw the complainant involved in a drug transaction. The complainant was searched at the scene and later at the station. No illegal drugs were found on the complainant. The complainant denied that he was involved in a drug transaction or that he had any drugs on his person. The suspect he alleged to have transacted with was detained but no suspected drugs were found on her. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-3: The officer strip-searched the complainant without cause.

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

FINDINGS OF FACT: The strip-search was conducted because the officer allegedly witnessed the complainant involved in a drug transaction. No illegal substances were found on the complainant during the pat search or later at the station during the strip-search. The other party to the alleged transaction was also detained and searched and no illegal substance was found on her person. The strip-search was authorized by a sergeant and the form was completed. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/10 **DATE OF COMPLETION:** 02/16/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The identity of the offending officer is inconclusive. The named member is identified in the incident report but denies the conduct and allegation. The evidence is contradictory. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The identity of the offending officer is inconclusive. The named member is identified in the incident report but denies the conduct and allegation. The evidence is contradictory. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/10 **DATE OF COMPLETION:** 02/04/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he and his girlfriend were at a gym when they were escorted out. The complainant alleged he was grabbed and dragged by the officer. The officer denied the allegation. The complainant's girlfriend refused to speak with the OCC investigator. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/10 **DATE OF COMPLETION:** 02/04/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer placed the complainant's girlfriend in handcuffs without justification.

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

FINDINGS OF FACT: The complainant alleged that his girlfriend was placed in handcuffs. However, the complainant said he did not know who placed her in cuffs. The officer who responded to the scene denied that the complainant's girlfriend was placed in handcuffs. The complainant's girlfriend refused to speak with the OCC investigator. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that his girlfriend was placed in handcuffs. However, the complainant said he did not know who placed her in cuffs. The officer who responded to the scene denied that the complainant's girlfriend was placed in handcuffs. The complainant's girlfriend refused to speak with the OCC investigator. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/10 **DATE OF COMPLETION:** 02/28/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-4: The officers failed to properly supervise.

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

FINDINGS OF FACT: The complainant alleged the officers were negligent by sending an inadequately trained subordinate officer to investigate a traffic accident in which the complainant said she was seriously injured. The complainant further alleged that a supervisory officer should have been present with the investigating officer to ensure the investigating officer performed her duties correctly. The officers stated the investigating officer was properly trained, certified and competent to investigate the accident. These officers, as well as a Subject Matter Expert, indicated there was no requirement for a supervisory officer to be present. However, a supervisory officer arrived on the scene, inquired whether the investigating officer needed assistance and deemed the investigating officer competent to complete the investigation. Another officer, whose specialized assignment involved traffic matters, subsequently assisted in the investigation of the accident. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #5-6: The officers failed to follow proper procedures.

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

FINDINGS OF FACT: The complainant alleged the investigating officer was inadequately trained to investigate the accident in which the complainant was injured, therefore the investigating officer failed to follow proper procedures that were necessary to conduct a thorough investigation. A Subject Matter Expert (SME) who teaches traffic matters and accident investigations at the Police Academy remembered the investigating officer from a course of instruction he provided, and said the investigating officer was one of the best students in class. The SME also examined the police report prepared by the investigating officer. The SME did not find any violations of procedures, regulations or law in the manner the investigating officer conducted the investigation. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/10 **DATE OF COMPLETION:** 02/11/11 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer improperly accessed and disclosed confidential criminal history information.

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to The San Francisco Police Department Internal Affairs detail.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/23/10 **DATE OF COMPLETION:** 02/16/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer improperly drove a Department vehicle.

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

FINDINGS OF FACT: The complainant stated that while he was fleeing from police on a bicycle, the officer suddenly and without warning stopped his patrol car in front of the complainant, causing the complainant to collide with the vehicle, causing injury to the complainant. The named officer and three witness officers stated the complainant was riding his bicycle at a high rate of speed on the sidewalk, made a sudden left onto the street and struck the parked patrol car. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated that while he was lying face down on the street, the officer ground his face into the asphalt. The officer denied the allegation. She stated that her only physical contact with the complainant was to handcuff him when he was on the ground. This officer and three other officers stated the complainant resisted arrest by placing his arms underneath his body and refusing to show his hands. Three officers stated they were able to pull the complainant's arms from underneath his body and place his hands behind his back so the named officer could handcuff him. They stated that no force was used to take the complainant into custody. Photos and medical records indicate that the injuries the complainant suffered were consistent with his collision with a patrol car, not the use of force he alleges. 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: 07/29/10 **DATE OF COMPLETION:** 02/28/11 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The officer denied the allegation and stated that he wrote what the complainant told him and that he also confirmed the information that was provided by the complainant with her before he wrote the report. The contact was not recorded and no witnesses were identified. There is insufficient evidence to either prove or disprove he allegation made in the complaint.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 7, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/05/10 **DATE OF COMPLETION:** 02/03/11 **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. The officer's partner has been separated from the Department. There were no other witnesses. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied using inappropriate comments. The officer's partner has been separated from the Department. There were no other witnesses. There was insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/05/10 **DATE OF COMPLETION:** 02/03/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer conducted biased policing due to ethnicity.

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

FINDINGS OF FACT: The officer denied the allegation. The officer's partner has been separated from the Department. There were no other witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/10 **DATE OF COMPLETION:** 02/18/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer made inappropriate comments, some of which she considered rude, that crossed the professional boundaries of investigating a crime. Additionally, the complainant alleged the officer made comments, which she construed as the officer attempting to establish an intimate relationship with her. The officer denied making rude comments, which indicated the complainant's case was insignificant. The officer said that when the complainant initially came to the office to describe the incident, the complainant appeared to be confused, distressed and feeling victimized by the alleged crime. The officer admitted to making some of the comments alleged by the complainant, but said he did so only to build the complainant's self-image and to establish a rapport in investigating the alleged crime. The comments in and of themselves do not rise to a level of misconduct. The officer denied making any attempt to establish an intimate relationship with the complainant. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/01/10 **DATE OF COMPLETION:** 02/16/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the officer made belittling and sarcastic comments to her. The officer denied the allegation. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/10 **DATE OF COMPLETION:** 02/11/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant alleged an officer made inappropriate comments while he settled a fare dispute between her juvenile son and a taxi driver. The officer denied the allegation. The complainant's son had no money, was intoxicated, called the driver/witness racial epithets, and argued with him, gesturing extensively with his hands. The witness flagged down police for assistance. One officer separated the complainant's son from the driver. The witness heard the officer tell the complainant's son to back up. The witness did not recall the entire incident with sufficient specificity. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/10 **DATE OF COMPLETION:** 02/17/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint has been previously investigated and the review of the recent incident shows there is no new information.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/12/10 **DATE OF COMPLETION:** 02/28/11 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1-2: The officer arrested 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 February 8, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/13/10 **DATE OF COMPLETION:** 02/28/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant sprayed a household cleaner in her neighbor's face after a dispute over the noise he and his visitors made as they passed by her door. The complainant has had a longstanding dispute with this neighbor and other neighbors in the building and has screamed at them on numerous occasions. After interviewing both parties, the named officer determined that the complainant was a danger to others and should be brought in for a 72-hour mental health evaluation. The evidence proved that the officer's detention of the complainant was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #2-3: The officers searched the complainant's residence, including her personal property, without cause.

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

FINDINGS OF FACT: The complainant states that the officers searched her entire apartment, including her refrigerator. One of the named officers stated that they did not conduct a search of the complainant's apartment. The other named officer stated that they did search the complainant's apartment for her purse, with the complainant's permission. The named officers stated that they searched the complainant's purse, with her permission, in order to find her keys to secure her apartment. The supervising officer stated that the apartment would have been subject to a plain view search because the complainant wanted to retrieve her clothes, but did not recall details of the search. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/13/10 **DATE OF COMPLETION:** 02/28/11 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant was transported to San Francisco General Hospital Psychiatric Emergency Services. It is standard practice to handcuff persons while they are being transported in SFPD vehicles. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant claimed that the officer refused her request to change out of her bathrobe into her clothing before she was taken into custody. She admitted, however, that the supervising officer allowed her to take her pants, sweater and jacket in a plastic bag with her. The supervising officer could not recall the details of this allegation. One of the officers stated that the complainant did not request permission to change and that the complainant only requested that she be allowed to bring her clothing with her, which the officers allowed her to do. The other officer stated that the complainant was allowed to put on shoes. The evidence proved that the supervising officer's actions in allowing the complainant to take her clothes with her were justified, lawful, and proper.

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DATE OF COMPLAINT: 09/27/10 **DATE OF COMPLETION:** 02/16/11 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1-3: The officers demonstrated biased policing.

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 January 11, 2011.

SUMMARY OF ALLEGATION #4-6: The officers failed to take a 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 January 11, 2011.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/25/10 **DATE OF COMPLETION:** 02/16/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was cited for having no registration on her vehicle even though she had a temporary DMV sticker on her windshield. The officer denied that the complainant had a temporary registration at the time the citation was issued. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/10 **DATE OF COMPLETION:** 02/23/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainants stated officers failed to properly investigate an assault.

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

FINDINGS OF FACT: The complainant and the co-complainant stated an officer refused to conduct a follow up investigation on an assault that occurred at their residence. The assault involved the complainant and his neighbor, with whom he has an ongoing feud. The complainant complained to the Office of Citizen Complaints 3.5 years after the incident occurred. The complainant could not identify the officer who allegedly failed to investigate. Department records indicated that the complainant's case was properly routed. There were no specific written documents that stated what happened after an initial police report was taken. 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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DATE OF COMPLAINT: 11/19/10 **DATE OF COMPLETION:** 02/04/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officer failed to receive a citizen's arrest.

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 January 26, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/22/10 **DATE OF COMPLETION:** 02/16/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The evidence showed that the actions complained of were by members of the San Francisco Sheriff's Department and not SFPD officers. The complaint is not within OCC's jurisdiction and has been forwarded to:

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue Room 350
San Francisco CA 94102

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

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

FINDINGS OF FACT: The evidence showed that the actions complained of were by members of the San Francisco Sheriff's Department. The complaint is not within OCC's jurisdiction and has been forwarded to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/10 **DATE OF COMPLETION:** 02/04/11 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: Unwarranted Action for excessive police response.

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 January 26, 2011.

SUMMARY OF ALLEGATION #2: For failure 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 January 26, 2011.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/08/10 **DATE OF COMPLETION:** 02/24/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on February 4, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/24/10 **DATE OF COMPLETION:** 02/04/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to prepare a complete and accurate 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 January 10, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/10 **DATE OF COMPLETION:** 02/28/11 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complaint stated that she "flipped off" the African American driver of a silver vehicle that displayed a disability license plate. The driver then followed her vehicle for a block and advised the complainants companion / boyfriend to tell her not to engage in that type of behavior. The complainant stated that the man was wearing a dark uniform, yellow shoulder patch and had a radio on his shoulder. The complainant was unable to provide the make or model of the vehicle and did not get the license plate of the vehicle.

The SFPD Fleet Management Division was contacted by the OCC and they stated there are no Department vehicles with disability license plates. The complainant was unable to provide any further information for the investigation to move forward. 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: 12/08/10 **DATE OF COMPLETION:** 02/28/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant (a taxi driver) stated that an officer suspended him from the San Francisco Airport grounds without good cause. The officer said he suspended the complainant from the airport as a result of the complainant's lack of safety while driving through a flooded area in and around emergency vehicles. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer would not look him in the eye when addressing him. The officer said he intermittently looked at the complainant while watching traffic conditions. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/13/10 **DATE OF COMPLETION:** 02/10/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: Officers are harassing the complainant by following him.

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

FINDINGS OF FACT: The complaint stated that he has done no wrong but officers are cold-trailing him for no reason. The complainant did not provide any other information regarding location, time or involved officers. Contact attempts were made to the complainant by mail and phone but the complainant did not reply and failed to provide any other information. Department records were researched which showed no recent activity with the complainant. The complainant failed to provide needed information to investigate the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/09 **DATE OF COMPLETION:** 02/28/11 **PAGE** 1 of 2

SUMMARY OF ALLEGATIONS #1-4: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant alleged that several unknown officers used force during his arrest. The officers at the scene were interviewed. The officers acknowledged force was used during the contact with the complainant but denied the force was excessive as articulated by the complainant. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #5-6: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged he was arrested without cause. The officers stated they were searching for a suspect when they encountered the complainant. The officers stated when they attempted to handcuff the complainant he resisted and struck an officer. The complainant was arrested for resisting arrest and assaulting an officer. The complainant stated he "broke free" from the officers. 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: 10/29/09 **DATE OF COMPLETION:** 02/28/11 **PAGE** 2 of 2

SUMMARY OF ALLEGATION #7: The officers failed to provide their names and/or star numbers upon request.

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

FINDINGS OF FACT: The complainant stated he asked for names and badge numbers from all the officers. The complainant did not identify the officers. All of the involved officers were interviewed and denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officers failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated the officers did not read him his Miranda rights. The complainant did not identify the officers. A Miranda advisement is required when a suspect is in custody and subject to interrogation. The involved officers were interviewed and stated the complainant was not read his Miranda rights because he was not being questioned about a crime. The complaint did not state that he was questioned about a crime. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/10 **DATE OF COMPLETION:** 02/04/10 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The Department failed to properly investigate a homicide case.

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

FINDINGS OF FACT: The complainant, the mother of a homicide victim, stated the Department failed to properly pursue the case involving her son's murder. She stated the Department should have solved the case. At the time this homicide occurred, the Homicide Bureau was understaffed and the two-person rotations were seriously overworked. There were nearly 100 homicides in San Francisco during that time period. Moreover, inadequate staffing frustrated the Bureau's ability to consistently comply with the provisions of Unit Order 03-07 which outlines communications procedures for officers dealing with families of homicide victims. Since 2009, additional inspectors have been assigned to Homicide. Four-person teams have been implemented, along with an improved backup system, however current budget restraints may have the effect of curtailing this increased level of staffing.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/07/10 **DATE OF COMPLETION:** 02/08/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The Department failed to properly investigate a homicide case.

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

FINDINGS OF FACT: The complainant, the mother of a homicide victim, stated the Department failed to properly pursue the case involving her son's murder. She stated the Department should have solved the case. At the time this homicide occurred, the Homicide Bureau was understaffed and the two-person rotations were seriously overworked. There were nearly 100 homicides in San Francisco during that time period. Moreover, inadequate staffing frustrated the Bureau's ability to consistently comply with the provisions of Unit Order 03-07, which outlines communications procedures for officers dealing with families of homicide victims. Since 2009, additional inspectors have been assigned to Homicide. Four-person teams have been implemented, along with an improved backup system; however current budget constraints could have the effect of curtailing this increased level of staffing.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/07/10 **DATE OF COMPLETION:** 02/04/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The Department failed to properly investigate a homicide case.

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

FINDINGS OF FACT: The complainant, the mother of a homicide victim, stated the Department failed to properly pursue the case involving her son's murder. She stated the Department should have solved the case. At the time this homicide occurred, the Homicide Bureau was understaffed and the two-person rotations were seriously overworked. There were nearly 100 homicides in San Francisco during that time period. Moreover, inadequate staffing frustrated the Bureau's ability to consistently comply with the provisions of Unit Order 03-07, which outlines communications procedures for officers dealing with families of homicide victims. Since 2009, additional inspectors have been assigned to Homicide. Four-person teams have been implemented, along with an improved backup system; however current budget constraints could have the effect of curtailing this increased level of staffing.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/01/11 **DATE OF COMPLETION:** 02/28/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officers stated they detained the complainant for driving without headlights while it was raining, and also because the complainant's passenger (her husband) was not wearing a seatbelt. In his report, the officer stated that the weather at that time was very cloudy with moderate to heavy rain requiring the use of the vehicle's windshield wipers in order to see clearly. The complainant stated it was not raining that day and therefore she did not need to have her windshield wipers on. She also stated she did not need to have her headlights on because it was not dusk. She further stated her husband was wearing a seatbelt. California Vehicle Code §24400 requires headlights be on during darkness or inclement weather, or both. Inclement weather is defined as a condition requiring the windshields to be in continuous use due to rain, mist, snow, fog or other precipitation or atmospheric moisture. According to local local weather reports, it was raining quite heavily that day, and the sun set at 5:52 PM., less than one hour before the traffic stop. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant alleged that the officer made inappropriate comments to her. The officer and three officers who were at the scene denied this allegation. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4: The officer failed to prepare an accurate incident report.

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

FINDINGS OF FACT: The complainant alleged the officer lied in his report when he stated that it was raining at the time of the traffic stop. In his report, the officer stated that the weather at that time was very cloudy with moderate to heavy rain requiring the use of the vehicle's windshield wipers in order to see clearly. According to local weather reports, it was raining quite heavily that day. The complainant's allegation is unfounded.

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged the officer used profanity. The officer, and three officers at the scene, denied the allegation. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officers who responded to his report of a burglary in his unit stole money and property from him. The officers who responded to the call denied the allegation and said that the complainant seemed confused and disoriented. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation. It should be noted that the complainant has a history, based on prior police reports and the report of his former social worker, of accusing others of stealing from him.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that an unknown officer contacted him while sleeping on the sidewalk and inquired as to where he was from. When he chose not to answer, the officer raised his voice and asked again. Extensive efforts were made to identify the officer(s) with negative results. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in this complaint.

SUMMARY OF OCC ALLEGATION #:

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

FINDINGS OF FACT:

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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 stated the officer did not write an incident report. Department records proved that the officer wrote an incident report for the contact with the complainant. The evidence showed that the officer's actions were proper.

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

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

FINDINGS OF FACT: The complainant stated the officer failed to take required action by not allowing the complainant access to a blanket and for not reviewing the complainant's medical records. The evidence proved that the officer's actions were lawful and proper under current Department policies and procedures.

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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 that the officer used unnecessary force on him during his arrest by punching him, using OC spray on him, scraping his face against the pavement, pushing his head into a window and twisting his finger. The complainant admitted resisting and threatening the officer. The complainant's companion, with whom he had been drinking, confirmed seeing the officer push the complainant's head into a window, but contradicted certain elements of the complainant's account of the event. A civilian witness stated that the window broke as the officer and the complainant struggled over a skateboard the complainant was holding. This witness stated that the complainant resisted the officer, who was trying to handcuff him, and had earlier vandalized the witnesses' property and threatened him. The named officer stated that he punched the complainant and used OC spray while attempting to handcuff the complainant, who was resisting. The named officer denied scraping the complainant's face against the pavement. The named officer stated that after the complainant was handcuffed, he was searching him prior to transport. The complainant, who was facing a building wall, pushed back against the officer and attempted to head-butt him. The named officer pushed the complainant up against the wall and the complainant's head struck a window, breaking it. The named officer stated that he did not recall whether he grabbed the complainant's finger. The named officer's partner confirmed his account of the force he used in attempting to handcuff the complainant and confirmed the complainant's resistance, but said she was across the street interviewing a witness when she heard glass break, and that she did not see the physical actions that led to the complainant's head making contact with the window. Officers who responded as backup stated that the complainant was in custody when they arrived and that they did not see any force used on him. The complainant's account of several significant elements of the incident, including his actions prior to his contact with the officers, was contradicted by the civilian witness. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #2: The officer made inappropriate statements to the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate statements to him at the scene. The named officer denied the allegation. The named officer's partner and witness officers who responded as backup stated that they did not hear the named officer make these statements. The complainant's companion stated that he was transported from the scene and apparently was not present when the alleged statements were made. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity to him at the scene. The complainant's companion denied that anyone at the scene used profanity. The named officer denied the allegation. The named officer's partner and witness officers who responded as backup stated that the named officer did not use profanity. A civilian witness who was across the street stated that he heard the complainant screaming profanities but that the officer did not use profanity. No other witnesses were identified. A preponderance of the evidence proved that the act alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated that the officer arrested him without cause. The named officer and his partner stated that as they were responding to a vandalism report, the victim of the vandalism flagged them down and identified the complainant and his companion as the individuals who broke his window. The officers also stated that when they attempted to detain the complainant, he refused to put down a skateboard he was carrying and resisted them when they tried to handcuff him. The complainant admitted resisting and threatening the named officer. The civilian witness stated that he followed the complainant and his companion after they broke his window, flagged down the officers and identified the two men. The evidence established that the action complained of was proper.

SUMMARY OF ALLEGATION #5: The officer failed to inform the complainant of the nature of the violation.

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

FINDINGS OF FACT: The complainant stated that the officer approached him and said he was under arrest, but failed to tell him why he was being arrested before handcuffing him. The complainant stated that he therefore resisted when the officer attempted to handcuff him. The named officer and his partner stated that as they were responding to a vandalism report, the victim of the vandalism flagged them down and identified the complainant and his companion as the individuals who broke his window. The officers also stated that when they attempted to detain the complainant, he refused to put down a skateboard he was carrying and resisted them when they tried to handcuff him. The evidence established that given the totality of the circumstances, including the time of night, the nature of the offense, the fact that the complainant was carrying a bottle of wine and a skateboard and the comparative sizes of the two suspects and the named officer and his partner, the named officer was justified in handcuffing the complainant without delay, and was not obligated to inform the complainant of the nature of the violation before doing so. The evidence established that the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer handcuffed him too tightly. The named officer denied the allegation, stating that she and her partner both handcuffed the complainant, who had been resisting, and that she then checked the handcuffs for the proper degree of tightness and double-locked them. The complainant stated that he complained about tight handcuffs to officers he saw at the station. Officers known to have had contact with the complainant at the station denied that he complained of tight handcuffs. The complainant admitted that he resisted being handcuffed. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that an officer at the scene made inappropriate comments to him. Officers at the scene denied making such comments. No other witnesses were identified. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer used profanity to the complainant at the scene.

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

FINDINGS OF FACT: The complainant stated that an officer at the scene used profanity to him. The officers at the scene denied using profanity. No other witnesses were identified. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer used profanity to the complainant at the station.

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

FINDINGS OF FACT: The complainant stated that an officer at the police station used profanity to him. The officers known to have had contact with the complainant at the station denied using profanity. No other witnesses were identified. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #10: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that the officer who searched him at the police station threw away some of his property, including some currency. The officer who conducted the search of the complainant at the booking counter denied the allegation. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that he asked officers at the scene to retrieve his cell phone charger, which had fallen to the ground, but that it was not included with his property. The officers who were present at the scene stated that the complainant never said anything about a cell phone charger. There were no witnesses to this interaction. There is insufficient evidence to prove or disprove the allegation.