

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/18/11 **DATE OF COMPLETION:** 02/15/12 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officer made an arrest without cause.

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

FINDINGS OF FACT: Both the victim and a witness separately identified the suspect in a robbery; however, the victim and witness erroneously identified the suspect. The victim and witness, independent of each other, selected the suspect's photograph from approximately 1,000 other photographs maintained in a large book. The positive identification was relayed to the investigating officer who gathered additional details and evidence concerning the alleged incident. The officer subsequently arrested the suspect based largely on the identification by the victim and witness. The victim and witness later came across the correct suspect and notified authorities of the mistake in the identification of the initial suspect. Based on this new information, the officer released the original suspect and arrested the new suspect. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged that had the officer properly investigated the alleged robbery, the officer would have determined the initial suspect was not involved. The complainant further alleged the officer would not have erroneously arrested the initial suspect, but would have arrested the right person from the outset of the investigation. The officer said she found the initial suspect lied to her (the officer); therefore, the officer had trouble believing any alibi the initial suspect provided. The officer was found to have conducted her investigation in a reasonable manner. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #3: The officer failed to comply with DGO 7.01.

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

FINDINGS OF FACT: The officer contended she complied with all of the pertinent provisions of a Department General Order relating to the investigation, detention, arrest and custody of a juvenile. The officer admitted that she did not afford the juvenile the opportunity to place two telephone calls, one call completed to his/her parent or guardian, a responsible person or his/her employer, and another call completed to an attorney. However, the officer argued that she fulfilled this requirement in other ways. She argued that she ensured that a school official contacted a parent of the juvenile and she allowed the juvenile to speak with an attorney, via the juvenile's Miranda Rights, prior to and during questioning. The officer indicated the juvenile declined to have a parent or an attorney present during the interview. A preponderance of the evidence proved that the named officer failed to take action required by the Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers stated they responded to a residence in response to a dropped 911 call to conduct a well being check. They knocked on the door and rang the bell but no one responded. They saw the complainant's son peeking out from behind a curtain. Several minutes passed before the complainant's son opened the door, but only slightly. The officers stated the complainant's son repeatedly refused to allow the officer inside to see if everyone was safe. The officers stated they detained the complainant's son when he tried to shut the door on them. The complainant's son acknowledged that he refused to allow the officers to enter the home. He stated he told the officers he didn't know how many people were inside the house and he refused the officers' requests to step out of the doorway. The officers were investigating a dropped 911 call and needed to conduct an investigation to make sure all the residents of the home were safe and not in need of medical or police assistance. The officers had the discretion and the authority to detain the complainant's son so they could enter the home and conduct an investigation. Their conduct was proper.

SUMMARY OF ALLEGATIONS #3-5: The officers used unnecessary force on the complainant's son.

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

FINDINGS OF FACT: The complainant's son stated when he refused to step out of the doorway, the officers yelled at him to show his hands, one officer slammed him against the door, causing a bruise on his forehead. Later, while he was being placed in a patrol car, another officer told the complainant's son to stop resisting and then twisted his handcuffs.

The first named officer stated he grabbed the complainant's son's left arm with his right hand to pull him out of the doorway. The complainant's son resisted. The officer stated he attempted to place the complainant's son's hand into a rear wristlock. His field-training officer then assisted in pulling the complainants son out of the doorway.

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SUMMARY OF ALLEGATIONS #3-5 Continued:

FINDINGS OF FACT: Both officers struggled on the porch and with a third officer's assistance, they placed handcuffs on the complainant's son. This officer did not see the complainant's son hit his head on the door. The second named officer stated the complainant's son had his hands concealed and tried to close the door when the officers told him they needed to come inside to check the premises. The first officer pulled the complainant's son by his arm and he tried to pull away and fought the officers until they were able to get him to the floor and handcuff him. The only physical control employed was a rear wristlock. The officer stated he did not see the complainant's son hit his head on anything. When the complainant's son complained of tight handcuffs, the first officer double-checked the handcuffs for the proper level of tightness and double-locked them.

A witness officer stated the trainee officer pushed the door open and grabbed the complainant's son's arm. She stated the complainant's son struggled and tried to close the door and run away. He was taken to the ground and handcuffed. She stated he did not hit his head on the doorframe during the struggle and did not complain of pain at any time.

A fourth officer at the scene stated after searching the house, he saw the complainant's son outside. He and his partner escorted the complainant's son to a patrol car. This officer denied twisting the complainant's son's handcuffs. He stated he checked the handcuffs to make sure they were double locked and were not cutting off circulation before placing him in the patrol car. He stated the complainant's son did not complain of tight handcuffs or pain. This officer's partner stated he did not recall having any verbal or physical contact with the complainant's son. He did not recall hearing the complainant's son complain of tight handcuffs.

A sixth officer at the scene who resembled the description provided by the complainant's son of the officer who twisted his handcuffs, stated he did not recall this incident and did not recall having any contact with the complainant's son.

Medical records dated the day after the incident shows that the complainant's son complained of being in tight handcuffs for an hour and was experiencing numbness and tingling in his hands. He was diagnosed with compression neuropathy. The medical record does not contain any references to a forehead bruise. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #6-10: The officers entered and searched a residence without cause.

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

FINDINGS OF FACT: According to Department records, the Department of Emergency Services received a 911 call from the residence of the complainant's son. The person who made the call hung up before speaking with a dispatcher. The dispatcher returned the call but did not get an answer. Police were dispatched to investigate. The officers stated when they responded to the residence, they encountered resistance from the complainant's son, who refused to allow officers inside to check on the safety and well being of the residents. The officers' suspicions were raised when the complainant's son failed to answer the door and when he did, he did not fully open the door, did not show his hands and did not adequately answer questions regarding other residents of the house. Each of the officers stated that they have a duty to fully investigate dropped 911 calls as these calls can be made by hostages, those in need of emergency medical assistance or victims of domestic violence. Such calls constitute exigent circumstances. The complainant's son acknowledged that he tried to shut the door on the officers and refused to allow them inside.

Officers cannot enter and search a residence without consent or a search warrant unless exigent circumstances exist. In this case, exigent circumstances existed. The only way the officers could ascertain whether someone was in need of emergency assistance was to enter the home and conduct an investigation. Dropped calls are often made by hostages, victims of domestic violence or persons in need of emergency medical assistance. The officers had duty to conduct a full investigation. Their conduct was proper.

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SUMMARY OF ALLEGATIONS #11-13: The officers damaged property without justification.

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

FINDINGS OF FACT: The officers stated they forced open three locked doors in the home when no one responded to their knocks and announcements. The officers were conducting a well being check in response to a dropped 911 call. The investigation found their entry and search to be proper. One of the tenants stated he and his girlfriend heard noises upstairs and called 911. He said they didn't answer the door when the police knocked because they were not sure if it was actually the police or robbers pretending to be police. The damage was photographed and documented in the incident report. The officers' conduct was proper.

SUMMARY OF ALLEGATION #14: The officer cited the complainant' son without cause.

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

FINDINGS OF FACT: The complainant's son was cited for resisting/delaying an investigation, a violation of California Penal Code section 148 (a)(1). The complainant's son acknowledged that he refused officers' repeated orders to step out of the doorway and refused to allow officers to enter his residence to conduct a well being check. He stated he tried to shut the door on the officers. The investigation revealed that the officers properly entered and searched the residence to conduct an investigation of a dropped 911 call. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant stated he was not driving, nor was he intoxicated enough to be handcuffed. The officer and his partner stated the complainant was detained outside his vehicle for his involvement in a fight at an adult theater. The officers also stated they saw the complainant drive his vehicle into a parked vehicle. Due to his belligerent behavior before an attempted field sobriety test, the officers had to restrain the complainant. Witnesses on scene would not participate with OCC requests for interviews, and would not produce access to video footage of the premise. There is insufficient independent evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer tricked him into moving his parked vehicle, which was in contact with another, in order to arrest him for driving under the influence. The complainant maintained that he was not intoxicated. The officer and his partner denied the allegation and stated they saw the complainant inside his vehicle making contact with another parked vehicle. Their conversation with the complainant led them to suspect he was driving while intoxicated. Alcohol breath test led to presumptive results of .083 and .080. Witnesses on scene would not participate with OCC requests for interviews, and would not allow access to video footage of the premise. There is insufficient evidence to either prove or disprove the complainant was driving at the time of his detention.

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

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

FINDINGS OF FACT: The complainant alleged there was money missing from his wallet upon his release from County Jail. The officers denied they stole any money from the complainant. SFPD station property records, which show what property was taken during the arrest and prior to the complainant's transportation to the station, indicate the officer booked a smaller amount of money prior to the complainant transport to County Jail. OCC's requests for SFSD electronic County Jail booking records are inconclusive over what monies the complainant possessed when arrested. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The co-complainant invited the officer into his home to discuss the call of a property boundary dispute among neighbors based on how a fence was repositioned and once inside he felt as though he was being detained based on the officer's aggressive and commanding behavior. The officer denied the allegation and stated he merely asked some questions to ascertain the co-complainant's well being and ensure he was not in need of medical or psychiatric attention. A witness on scene during part of this contact was unable to either verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing due to a personal relationship.

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

FINDINGS OF FACT: The complainants alleged that the officer responded to a call by the neighbors rather than a legitimate call for service. The officer was questioned relative to the Office of Citizen Complaints biased policing protocol; he stated that this call for service is his assigned sector, and that he responded to an assigned call regarding a threat. The complainant's neighbors involved in this dispute denied the officer is known or related to them. Police records show the officer responded to a legitimate dispatched call for service through headquarters. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, the officer's actions were lawful and proper.

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

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

FINDINGS OF FACT: According to the co-complainant, the complainant alleged the officer threatened to arrest her son. The co-complainant only alleged that once inside the residence, the officer behaved in an intimidated and inappropriate manner. The officer denied the allegation. The statement of a witness present only during part of the police response did not tend to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to comply with DGO 1.03.

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

FINDINGS OF FACT: The complainants believed the residence involved during this call for service are within the confines of Ingleside Police District and since the officer is assigned to Taraval Police District, the officer acted in violation of DGO 1.03. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, the officer's response to the complainants' residence was justified, lawful, and proper because the addresses in question are in fact within the Taraval Police District.

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

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

FINDINGS OF FACT: The complainant stated that officers detained her on a specific date without cause. The complainant provided a date for which she thought the detention occurred. However, Department records were searched for the date alleged by the complainant and other dates in the same time frame as presented by the complainant, but no records were found that corroborated that any contact occurred. The named officer and another officer were questioned regarding the detention but neither officer recalled detaining the complaint despite OCC attempting to refresh their recollections with the specific facts of the case as presented by the complainant. There were no independent witnesses to this alleged incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated an officer made inappropriate comments. The complainant provided a specific date for which the contact occurred, however, Department records were researched and no contact was located on the date alleged by the complainant or on surrounding dates. The officer and a witness officer denied any knowledge of any contact with the complainant and denied this allegation. There were no independent witnesses to this alleged incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #4-5: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that officers handcuffed her on a specific date without justification. Department Records were researched for that specific date and surrounding dates but no information was located regarding a contact between the complainant and the officer(s). The officers were interviewed and denied any knowledge of any contact between themselves and the complainant. The officers denied the allegation. There are no independent witnesses to this alleged incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #6: The officer's policing actions were biased due to the complainant's sexual orientation.

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

FINDINGS OF FACT: The complainant stated that the officer detained her without justification and only because of her sexual orientation. The complainant provided a specific date for the incident. Department records were researched for that specific date and for surrounding dates, but no information was located regarding a contact between the complainant and the officer. The officer and a witness officer were interviewed by OCC relative to the OCC's biased policing protocol and stated they had no recollection of any contact with the complainant. The officers denied the allegation. There are no independent witnesses to the alleged incident. There is insufficient evidence to either prove or disprove that the officer's actions were biased.

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SUMMARY OF ALLEGATIONS #7-8: The officers neglected their duties when they failed to issue a certificate of release to the complainant.

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

FINDINGS OF FACT: The complainant stated that officers detained, handcuffed her and then released her without providing any written documentation for the contact. The complainant provided a specific date for the contact. Department records were researched for that specific date and other surrounding dates, however no contact with the complainant could be located. The interviewed officers denied any recollection of any contact with the complainant. The officers denied the allegation. There are no independent witnesses to the contact. 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 #9: The officer selectively enforced the law (by only arresting transgender Latino females).

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

FINDINGS OF FACT: The complainant stated that the officer selectively enforces the law by detaining and arresting only transgender Latinos. The officer denied the allegation in this case and in another OCC case and stated that he has arrested persons other than transgender Latinos. The officer stated that he has been with the SFPD for approximately five years and has arrested a multitude of persons with different ethnic, gender and sexual orientations for breaking the law. The evidence proved that the officer has arrested persons other than transgender Latinos.

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

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

FINDINGS OF FACT: The complainant admitted driving a vehicle on a suspended driver's license. The vehicle belonged to a friend of the complainant. Another officer who cited the complainant for the driving infractions had the vehicle towed. During the time the vehicle was impounded, the complainant alleged the named officer failed to provide him with clear and consistent instructions on how to obtain release of the vehicle from impound. The complainant stated that personnel who worked in the same unit as the named officer explained procedures, which the complainant followed. The complainant indicated the named officer, however, denied release of vehicle based on what the complainant believed was the officer's arbitrary determination of the rules. The officer stated he could not release the vehicle to the complainant based on the law. The law prohibited the release of the vehicle if: (1) the complainant's driver's license was suspended; (2) the complainant was not the registered owner; and (3) the complainant did not have the permission of the registered owner to take custody of the vehicle. Furthermore, the officer determined the complainant forged the document requiring the signature of the vehicle's registered owner, and the registered owner subsequently told the officer he had never given permission to the complainant to drive the vehicle. The evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that she was visiting her daughter's home when officers arrived to execute a search warrant. The officers failed to provide her with a copy of a search warrant upon her request.

The officers stated that they were members of the SWAT Team who were assigned to clear the residence before the inspectors entered to search the house. They stated that 1) it was the inspector's job to provide the residents with a copy of the search warrant; and 2) the complainant was not a resident and therefore did not have the authority to request a copy of the search warrant. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS #3-5: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that an officer pushed her and then told another officer, "Get her ass up!" The investigation revealed that a member of the SWAT Team pushed the complainant out of the doorway on orders of his supervisor. The officer that the complainant identified stated he went to assist the complainant when he saw her on the ground. Nine other officers at the scene denied hearing or saying, "Get her ass up!"

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

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

FINDINGS OF FACT: The complainant stated she complained about unnecessary force to “a captain” and he did not take her citizen’s complaint. This “captain” took photos of her injuries. The investigation revealed that an officer took photos of the complainant’s injuries. He stated the complainant did not make a complaint to him. Ten other officers at the scene stated that they did not hear the complainant make a complaint.

SUMMARY OF ALLEGATION #7: The officer used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that she was visiting her daughter when officers arrived to execute a search warrant. She stated she refused orders to stop blocking the doorway. She stated an officer pushed her, grabbed her by her T-shirt, ripping the T-shirt off her body, causing her to fall and hit a gate. The complainant’s medical records confirmed that she dislocated her thumb, and incurred a forehead bruise and a swollen lip.

The supervising officer at the scene stated that when a homicide suspect was observed from the doorway, he ordered an officer to forcibly move the complainant from the doorway for safety reasons. The officer stated he attempted to grab the complainant’s shoulder but instead got hold of her loosely fitting T-shirt. When he tried to move her out of way, the complainant turned and pulled away, causing her shirt to tear diagonally across the front of her body, hanging off one shoulder. The complainant remained standing in the doorway. The officer then grabbed the complainant’s wrist and pulled her out of the way. He denied pushing her. He stated he did not see the complainant fall down.

Eight other officers at the scene supported the statements of the supervisor and the named officer. Members of the complainant’s family did not respond to contact attempts. There were no other witnesses and no additional evidence to further 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:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The officers responded to a dispatched call of a person with a gun at a residence. The officers secured the perimeter of the residence, made contact with the occupants and interviewed the victims. The complainant standing across the street from the residence was identified by a victim as the suspect with a gun. The named officers detained the complainant as part of their investigation of a crime. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer responded to a dispatched call of a person with a gun at a residence. During the investigation, a victim identified the complainant as the suspect involved in the incident. The named officers detained the complainant by gunpoint, due to the nature of the crime and for their safety and the safety of the public. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer responded to a dispatched call of a person with a gun at a residence. Based on the nature of the call and the reasons for the complainant's detention, the officer was justified in handcuffing the complainant for their safety and the safety of others. 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 #6: The officer pat searched the complainant without cause

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

FINDINGS OF FACT: The officer responded to a dispatched call of a person with a gun at a residence. Based on the nature of the call and the reasons for the complainant's detention, the officer was justified in pat searching the complainant for their safety and the safety of others. 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 #7: The officer's conduct and behavior were inappropriate.

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

FINDINGS OF FACT: The officer denied the allegation. He did not recall making the alleged inappropriate comments to the complainant. The witness officers did not hear the named officer make any of the alleged comments. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #8: The officer used profanity towards the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. He did not recall making the alleged profane remarks toward the complainant. The witness officers did not hear the named officer make any of the alleged comments. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #9: The officer failed to take required action (release handcuffs).

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

FINDINGS OF FACT: The officer denied the allegation. He did not recall the complainant making a request to loosen the handcuffs due to tightness. The witness officer did not hear the complainant request the handcuffs be loosened. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #10: The officer used unnecessary force during the detention.

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

FINDINGS OF FACT: The officer denied the allegation. The officer acknowledged he pulled the complainant's hands to his back for handcuffing, though not in a rough manner. He recalled using his knee to control the complainant's hands and wrists while handcuffing the complainant in a prone position, as trained in the police academy. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #11: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The officer denied the allegation. The officer was interviewed pursuant to the OCC biased policing protocol and there was no evidence to conclude that the officer's contact with the complainant was a result of biased policing. The officer made contact with the complainant after he was pointed out and identified by the victim as the suspect involved in the incident. There is no merit to the complainant's claim of biased policing.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged the officer misrepresented the truth in his incident report regarding the circumstances giving him reasonable suspicion to detain the complainant. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that the officer harassed him on the date of the incident complained of. The officer denied the allegation, stating that he was personally acquainted with the complainant. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer aggressively took her out of the police car. The officer denied the allegation. There was no witness to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant requested medical attention from the officer, but the officer ignored her request. The officer denied the allegation. The officer said the complainant did not request for medical assistance and did not complain of any pain or injury. The officer stated Medics arrived at the station and provided medical attention. The witness did not hear the complainant's request for medical attention or care. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated the officer had no right to enter her residence. The complainant said she was staying at her friend's residence to recover from her recent medical surgery. The officer denied the allegation. The officer conducted a warrantless search of the complainant and his residence. The officer stated the complainant was identified from a store video as being a suspect in a robbery. The officer said the complainant directed them to her residence in order to further investigate. The witness confirmed that the complainant resided at the residence. San Francisco Police Department records reveal the witness also had a warrantless search condition. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated she was arrested without cause. The complainant admitted she was on parole and had a warrantless search condition. The complainant did not provide specifics regarding her arrest or criminal activity/charges against her. The officer stated he was conducting his robbery investigation and identified the complainant as the suspect. The officer conducted an active warrantless search on the complainant, her residence, and subsequently arrested her for possession of narcotics and burglary. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated that an officer detained him for no reason. The complainant provided a name for the officer who detained him but there is no SFPD officer with that name. Department records were searched but no SFPD contact was located for the date provided by the complainant. OCC questioned an officer with a similar name as the name provided by the complainant but that officer denied any contact or knowledge of the complainant. Multiple attempts were made to contact the complainant including phone calls to the phone number provided by the complainant, letters to his residence, a phone call to SFSD determine if the complainant was in custody and a visit to his listed residence but no further contact was made with the complainant. The complainant did not contact OCC to follow up on his complaint. The complainant failed to come forward and provide any clarifying information to the OCC to further the investigation.

SUMMARY OF ALLEGATIONS #2: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officer searched him. The complainant provided a name for the officer who detained him but there is no SFPD officer with that name. Department records were searched but no SFPD contact was located for the date provided by the complainant. OCC questioned an officer with a similar name as the name provided by the complainant but the officer denied any contact or knowledge of the complainant. Multiple attempts were made to contact the complainant including telephone calls, letters to his residence, a personal visit to his residence and phone calls to SFSD to determine if the complainant was in custody, all to no avail. The complainant never contacted OCC to follow up on his complaint. The complainant failed to come forward and provide any clarifying information to the OCC.

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SUMMARY OF ALLEGATIONS #3: The officer's actions were biased policing due to race.

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

FINDINGS OF FACT: The complainant alleged the officer's actions were because the complainant was African-American. The complainant provided a name for the officer but there is no officer with that name attached to the SFPD. An officer with a similar name was questioned but denied any contact or knowledge of the complainant. Multiple efforts were made to contact the complainant including phone calls to the complainant and to SFSD to determine if the complainant was in custody (no), and a visit to the complainant's residence all to no avail. The complainant never contacted OCC to follow-up on his complaint. The complainant failed to provide information necessary to investigate his complaint.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant described an incident involving him jump-starting a car that belonged to a friend when the officer detained him for no apparent reason. The officer described that he and other officers were operating in a plain-clothes assignment as part of a crime abatement effort in addressing the spike in residential burglaries, car burglaries and other crimes that were occurring in the area. The officer described seeing the complainant and another individual move items between their vehicles. Because of his knowledge of crime in the area, the officer viewed the actions of the complainant as suspicious and the officer stopped to investigate. The officer approached the complainant who began to sweat profusely and act nervously. The officer engaged the complainant in casual conversation, and the complainant admitted to having “open points” (syringes) in his pockets. The officer said he was going to search the complainant, but informed him that he was going to temporarily place the complainant in handcuffs as a matter of safety. The officer stated that during the process of handcuffing the complainant, the complainant resisted and removed suspected black tar heroin from his pocket, placed it in his mouth and swallowed it. The officer struggled with the complainant and regained control of him. The officer handcuffed and issued a citation to the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer searched his vehicle without cause. The officer described the incident where the complainant began to sweat profusely, act nervously, resist handcuffing and admitted to swallowing heroin. The officer indicated that as a result of the complainant’s arrest, the officer searched the console and glove compartment of the complainant’s vehicle for vehicle registration documents. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force by choking him, raising his legs and shoving his face into the street. He admitted to the officer that he swallowed heroin, but said he made this admission only to make the officer stop brutalizing him. The officer said he engaged the complainant in casual conversation because he saw the complainant acting suspiciously. The officer said the complainant admitted to having “open points” (syringes) in his pockets. The officer told the complainant he was going to search him, and the officer also informed the complainant that he was going to temporarily place the complainant in handcuffs as a matter of safety. The officer stated that during the process of handcuffing the complainant, the complainant moved away from the officer and resisted being handcuffed. The complainant removed suspected black tar heroin from his pocket, placed it in his mouth and swallowed it. The officer struggled with the complainant, placed the complainant in a headlock and took the complainant to the ground. The officer regained control of the complainant, handcuffed him and issued a citation to him. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer told him that he (the officer) would break the complainant’s arm if the complainant would not cough up what he (the complainant) swallowed. The officer denied making this statement and other officers, who were present during the complainant’s detention, stated they did not hear the officer make this statement. 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 #1: The officer used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant said the officer brutalized him by hitting him from behind and knocking him down the embankment, which caused serious whiplash to the complainant's head and neck. The officer stated he received a radio call concerning a mentally disturbed individual (complainant) who was yelling and starting fights. When the officer arrived at the scene he observed the complainant yelling, screaming and flailing his arms in an irate manner with his back to the officer, while the complainant was standing on the edge of a muddy slope. Fearing the complainant would turn around and strike him, the officer approached the complainant from behind, grabbed the complainant by his waist and placed his head next to the complainant's waist. The officer's forward motion caused both him and the complainant to accidentally fall down the slope. Independent witnesses saw this incident and said they did not see the officer use any unnecessary force on the complainant. There is insufficient evidence to either prove the allegation.

SUMMARY OF ALLEGATION #2: The officer applied the handcuffs too tightly.

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

FINDINGS OF FACT: During the process of detaining the complainant, the officer handcuffed the complainant. The complainant alleged the officer applied the handcuffs too tightly. However, the officer stated he checked for the proper degree of tightness and double-locked the handcuffs in accordance with Department policy. The officer also stated the complainant never complained of tight handcuffs while the complainant was in the custody of the officer. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant alleged the officer failed to provide medical treatment after the officer brutalized him by hitting him from behind and knocking the complainant down an embankment, which caused serious whiplash to the complainant's head and neck. The officer acknowledged accidentally falling down with the complainant after the officer made contact with him. The officer said he asked the complainant whether he was injured or in pain as a result of the fall, and the complainant said no. Consequently, there was no need to request an ambulance. Witnesses stated they did not see the officer use any unnecessary force on the complainant. One witness said the complainant's claim has no merit. Furthermore, the complainant's medical records do not indicate the complainant ever sought treatment due to this incident. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4 & 5: The officers entered the vessel without cause.

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

FINDINGS OF FACT: The complainant alleged the officers had no right to board and enter his boat. The harbormaster said the complainant had his boat illegally moored in the commercial boat harbor for approximately two months, and the complainant was a nuisance to other boat owners who had their boats legally docked in the harbor. The harbormaster said the complainant's boat was also in poor condition, and he posted notices on the complainant's boat for the complainant to move it out of the harbor. The notices warned that the boat would be towed and held in storage if it was not moved. The posted notice also cited the applicable sections of the Municipal Code authorizing the harbormaster to remove the boat. The harbormaster said the complainant never moved the boat; so, the harbormaster contracted with a private towing company to remove the complainant's boat from the harbor. The harbormaster stated it was also part of normal procedure to have the SFPD patrol boat accompany the towing company boat and enter the boat to be towed, thereby ensuring that no one was on board the boat prior to it being towed. Marine unit officers complied with the harbormaster's request. 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 ALLEGATIONS #6 & 7: The officers towed the vessel without justification.

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

FINDINGS OF FACT: The complainant alleged the officers had no right to tow his boat. The harbormaster said the complainant had his boat illegally moored in the commercial boat harbor for approximately two months, and the complainant was a nuisance to other boat owners who had their boats legally docked there. The harbormaster said the complainant's boat was also in poor condition, and he posted notices on the complainant's boat for the complainant to move it out of the harbor. The notices warned that the boat would be towed and held in storage if it was not moved. The posted notice also cited the applicable sections of the Municipal Code authorizing the harbormaster to remove the boat. The harbormaster said the complainant never moved the boat; so, the harbormaster contracted with a private towing company to remove the complainant's boat from the harbor. Accordingly, the private towing company, not the SFPD, towed the boat. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATIONS #8 & 9: The officers seized property without cause.

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

FINDINGS OF FACT: The complainant alleged the officers had no right to seize his boat. The harbormaster said the complainant had his boat illegally moored in the commercial boat harbor for approximately two months, and the complainant was a nuisance to other boat owners who had their boats legally docked there. The harbormaster said the complainant's boat was also in poor condition. The harbormaster posted notices on the complainant's boat for the complainant to move it out of the harbor. The notices warned that the boat would be towed and held in storage if it was not moved. The posted notice also cited the applicable sections of the Municipal Code authorizing the harbormaster to remove the boat. The harbormaster said the complainant never moved the boat; so, the harbormaster contracted with a private towing company to remove the complainant's boat from the harbor. Accordingly, the private towing company, not the SFPD, towed the boat. The evidence proved that the act alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #10: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant said he contacted the officer and asked him about the whereabouts of the complainant's boat. The complainant stated the officer allegedly told him that he did not know where the complainant's boat was, and if he (the officer) saw it, the officer would sink it. The officer acknowledged talking to the complainant and preparing a report of a stolen boat based on what the complainant told him. The officer denied telling the complainant he would sink his boat if he saw it. No independent witnesses were developed to corroborate the complainant's allegations. 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 issued two citations without justification.

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

FINDINGS OF FACT: The complainant admitted he was sleeping on the sidewalk parallel to the curb, but denied he was obstructing the sidewalk. The officers gave conflicting statements regarding the two citations. There were no other witnesses or evidence, there is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers could not recall whether the complainant was handcuffed. There were no other witnesses or evidence so there is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4: The officer used excessive force during the incident.

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

FINDINGS OF FACT: The complainant said one of the two male officers pushed his head against a wall, causing a bump on his forehead. The officers denied the allegation. There were no other witnesses or evidence, there is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer and two dependent witnesses that were present denied the allegation, and stated the officer searched the complainant incident to his arrest. The complainant received two citations during this contact. The officer's actions were lawful and proper.

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SUMMARY OF ALLEGATIONS #6-7: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant alleged the officers seized his wallet, two inhalers from his pockets, and then ordered him to move on with his shopping cart where his property was located. The complainant left the scene without his property. The officers denied the allegation and recalled no inhalers among the complainant's property. The officers said that after the complainant abandoned his personal property and later that day refused to accept the property back or a property receipt, the primary officer booked the items and wrote a report as property for safekeeping. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #8-9: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant said the officers misrepresented their contacts with him as separate incidents by writing two citations with different addresses. The named officers denied the allegation. There were no other witness, there is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED 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 alleged that the swelling on the right side of his forehead was caused by one of the male officers, who pushed him against a wall. The officers and a dependent witness on scene denied the allegation. There were no other witnesses or evidence, there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to provide name and star number upon request.

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

FINDINGS OF FACT: The complainant stated she asked the officers for their names and badge numbers but the first officer did not respond. The citing officer told her, “My name and badge number is on the citation. Don’t you know how to read?” The complainant said her friend then interjected, “I am sure you have to provide your name and badge number.” At this time she said the 1st officer verbally provided his information quickly but she is not sure if the second officer provided the information verbally. The officers denied the allegation. The witnesses did not respond for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the citing officer raised his voice at her and said, “Can’t you read?” which she believed to be unprofessional. The officer denied the allegation. The complainant’s witnesses did not come forward for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was at Auto Return attempting to retrieve her car that was legally towed. The complainant alleged that while at Auto Return, the officer detained her for no apparent reason. The incident report reflects that the officer was dispatched to Auto Return regarding a female, later identified as the complainant, attempting to steal her car from the tow lot. The officer detained the complainant to investigate what had been reported to the police. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force. The named officer denied the allegation. Witnesses who were involved in the incident denied that the officer used unnecessary force. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The officer denied the allegation. Civilian witnesses who were involved in the incident denied that the officer placed the complainant in tight handcuffs. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. Civilian witnesses who were involved in the incident did not hear the alleged use of profanity. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer intentionally broke the complainant's ring.

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

FINDINGS OF FACT: The complainant said the officer broke her ring during the contact. One witness said he did not see any broken ring. Another witness said that when the officer asked the complainant to walk towards a patrol car, the complainant swiftly turned herself around causing her ring to fall to the ground. This witness further said that he could not tell if the ring was damaged. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer made inappropriate comments during her detention. The officer denied making inappropriate comments. None of the evidence obtained supported the complainant's claim of inappropriate comments. The witnesses interviewed stated that they did not hear him make inappropriate comments and no other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately by chewing and spitting tobacco in her presence. The officer denied behaving inappropriately towards the complainant and denied spitting in front of the complainant, but witness statements and video evidence refute his denial. Therefore, there is sufficient evidence to prove that the officer was chewing and spitting tobacco while in the course of duty. Such behavior violates the Department's regulations because it reflects discredit upon the Department. The evidence demonstrates that the conduct complained of did occur, and in consideration of the regulations of the Department, this 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 searched the complainant inappropriately.

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

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

SUMMARY OF ALLEGATION #2: The officer behaved and spoke inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer said he saw the complainant step off the curb attempting to cross over to the other side of the street against the red light while cars were traveling northbound on Larkin Street in violation of Section 21950(b) of the California Vehicle Code. There were no known witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

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

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

FINDINGS OF FACT: The complainant admitted that the vehicle in which his son was seated was illegally parked. Both witness officer and named member said the vehicle was illegally parked. A witness 911 caller, confirmed that the vehicle in which the complainant's son was seated was illegally parked. DGO 5.03 permits Investigative Detentions where reasonable suspicion exists. The illegally parked vehicle gave the officers the requisite reasonable suspicion to detain the occupants of the vehicle. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION 2: The officer used unnecessary force.

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

FINDINGS OF FACT: The named member and his partner denied using or seeing any force against the complainant's son. When the complainant shoved the vehicle door against the named member both officers took physical control of the complainant in an effort to calm him down. The witness 911 caller said it was the physical contact between the complainant and the plain clothed officer that caused him to call 911. The witness said the area is known for suspicious occurrences and he feared one of the men might have a gun. The witness was also concerned about a group of men gathered across the street who were making racial comments toward the white officer. DGO 5.01 prohibits the use of force unless other reasonable alternatives have been exhausted. The named member denied using any force against the complainant's son and that the force used against the complainant was necessary and proper. None of the back-up officers witnessed any force. No other witnesses responded to the OCCs requests for an interview. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The witness officer did not see the named member search the complainant's son. The named member denied searching the complainant's son. The witness 911 caller did not have any recollection of the occupants of the vehicle. DGO 5.03 permits Investigative Detentions where reasonable suspicion exists. An illegally parked vehicle invokes reasonable suspicion to detain. None of the back-up officers witnessed any search. No other witnesses responded to the OCC's requests for an interview. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant admitted that his wife's vehicle was illegally parked. Both witness officer and the member said the vehicle was illegally parked. The illegally parked vehicle was in violation of the California Vehicle Code and was issued a citation consistent with the violation. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #5: The officer failed to take required action.

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

FINDINGS OF FACT: The witness officer did not know if or when the named member verbally identified himself as a police officer. Both officers said their badges and guns were visible from their waste bands. Both officers approached the occupants of the vehicle. The witness officer said he immediately verbally identified himself as an officer from the driver's side of the vehicle. Both officers said they knew the man in the driver's seat of the vehicle from numerous past contacts. The named member said it was because of his prior contacts with the driver that he did not feel the immediate need to verbally identify himself as a police officer. The named member said he first verbally identified himself as a police officer when the complainant approached and shoved the door against his body. The Witness 911 caller said from his vantage point he was not aware that any of the men were police officers until after the complainant had been handcuffed and he saw the officers stars displayed on their clothing. DGO 5.08 requires non-uniformed officers to display their police star BEFORE making an arrest, detaining a suspect, conducting a search...or issuing a citation. The vehicle occupants did not respond to the OCC's requests for an interview therefore it is unknown if they knew the plain clothed men were officers when they approached their vehicle. None of the back-up officers were present during the initial contact. No other witness responded to the OCC's requests for an interview. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The witness officer denied hearing any of the alleged comments or witnessing the alleged behavior. The named member denied behaving inappropriately or making any inappropriate comments. DGO 2.01 requires that officers treat the public with courtesy and respect and not use harsh, profane or uncivil language. The witness officers all denied hearing/witnessing any of the alleged conduct. Upon their arrival several officers said they observed numerous men and women in the area yelling at the officers. No other witness responded to the OCC's requests for an interview. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #7: The officer engaged in racially biased policing.

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

FINDINGS OF FACT: The officer was questioned relative to the OCC's biased policing protocol and denied the allegation stating that he had reasonable suspicion to detain based on the illegally parked vehicle. There is no dispute that the vehicle was illegally parked. DGO 5.17 prohibits biased policing. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said the officer did not have reasonable suspicion or probable cause to arrest her. The complainant was detained per Welfare and Institutions Code 5150 having been determined to be a danger to herself and or others. Officer and other witness statements corroborated each other in concluding that the complainant should be detained per Welfare and Institutions Code 5150. Dispatch documents as well as medical patient records corroborated the detention rational. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said the officer used unnecessary force when taking her into custody. The officer denied the allegation. Witness officers denied that the force used was excessive. Officer and other witness statements described the complainant as physically and verbally uncooperative and agitated during their contact with her. During the incident a paramedic filed a Citizens Arrest against the complainant for kicking him. Documents prepared in relation to the complainant's behavior during the incident all report similar observations of agitation and uncooperativeness by the complainant. There is insufficient evident to find that the force used by the officers to handcuff the complainant was reasonable. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: 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 inappropriate comments and behaved in an inappropriate manner toward her when being arrested. The officer denied the allegation. The only other officer proximately located to the named member during the time the alleged comments and behavior occurred was the named members partner and she denied hearing or seeing any of the alleged behavior adding that she was not paying full attention to his actions. Two witnesses stood nearby but it cannot be conclusively determined that they heard or witnessed all the contact between the complainant and the named member. There were no other witnesses at the time of the alleged behavior. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant said one of the officer's went through her purse at the apartment and removed money therefrom. All of the officers at the scene denied ever having possession of the complainant's purse or even seeing a purse. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/16/11 **DATE OF COMPLETION:** 02/28/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer threatened the complainant and/or made inappropriate comments

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

FINDINGS OF FACT: The complainant and her husband alleged that the officer threatened the complainant. The named officer and three witness officers denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer prepared an inaccurate and/or incomplete Incident Report

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

FINDINGS OF FACT: The complainant stated that the incident report was incorrect and incomplete. The named officer and two witness officers denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that while waiting for a bus, she observed an officer exit a marked unit and enter a store while the partner officer remained in the car speaking on a cell phone. She stated that during this time she observed three drug transactions occur and the officers did not investigate or make an arrest on any of the drug transactions. The complainant provided a vehicle identification number. The complainant stated she did not contact the officers when this incident occurred and could not provide specific descriptions of the officers. When checked against Department records, no officer was assigned to the vehicle at the date and time noted by the complainant. Department records were checked which showed no marked unit in that area at that time. The Captain was sent an Officer Identification poll and stated that no officer was assigned to the car. No other witnesses were identified by the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The allegation brought forward by the complainant was not construed as inappropriate behavior. The witness, directed by the complainant, approached the officer in an aggressive manner with her hands concealed in her pockets in an area restricted only for police personnel. Based on the circumstances and police security footage, the officer's conduct was appropriate for officer safety. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer denied the allegation. This incident occurred at a police station, in an area restricted for police personnel only. The witness, directed by the complainant, approached the officer in an aggressive manner with her hands concealed in her pockets while calling out to the officer that she needed to speak with her. The witness ignored the officer's request to wait in the police station for assistance and continued her fast and steady pace toward the officer. The witness made a furtive movement by reaching inside her jacket. The named officer feared for her safety and instinctively grabbed the right wrist of the witness to control her hand movement to prevent a possible attack.

The culmination of the police security footage viewed revealed the force and control hold used by the officer was necessary and intuitive to protect herself from harm and consistent with officer safety and security. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #3: 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 Police Department
Internal Affairs Division
850 Bryant Street, Rm 545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used excessive force against the complainant.

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

FINDINGS OF FACT: The complainant stated the officer struck him with his baton on his side, upper thigh and both hands/arms. The officer denied the allegation. One witness, the complainant's friend, corroborated the complainant's statement. The reportee stated the complainant tried to run from the officer but she was not able to see anything else due to an obstructed view and was only able to see when the officer was walking back with the complainant already handcuffed. The medical records document that there was no swelling, no redness, no deformity no restriction of movement, and no fracture. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said he was not drunk or doing anything wrong to be arrested. The officer stated the complainant and friend were both intoxicated and the complainant also had a warrant and was in violation of his probation. The reportee stated the complainant was intoxicated because he had slurred speech when he went inside looking for the bathroom and was bumping into stuff inside the store. She said he was staggering/tripping when he went outside. The officer performed his duties as per DGO 2.01 Rule 5 and Penal Codes 245(3), 148(a), 1203.2 (a). The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity against him. The officer denied the allegation. The reportee stated that she did not hear the officer use profanity while she witnessed the incident. The witness stated he did not recall the officer using profanity. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated he asked the officer to take him to the hospital because he had pain. The officer denied the allegation. The witness did not recall the complainant complaining of any pain or injury. The medical records document that that there was no swelling, no redness, no deformity no restriction of movement, and no fracture. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated he cited the complainant for running a red light, speeding and for not having proof of insurance. The complainant denied these violations. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

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

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

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

FINDINGS OF FACT: The complainant stated that he called police to report that a man who he knew from a business proposal had attempted to break into his vehicle. The complainant stated that this man walked up to his truck and attempted to walk inside and realized the door was locked. The complainant called police then followed this man when he left in a taxicab. When officers arrived they failed to arrest this individual and detained the complainant for a 5150 evaluation at a psychiatric facility. The named officers stated they detained the complainant because he demonstrated that he posed a danger to himself and others. They said the complainant ran down the middle of the street failing to yield to traffic that had the right of way and ignored one officer's commands to stop. They said he made verbal threats to the man, he called the police, then followed this man in his car, driving in an unsafe manner. They said the complainant told them he had a history of mental illness and was not taking his medications. Two witness officers said the complainant screamed unintelligibly, ran around in circles and threw himself on the ground and cried during their interactions with them. Communications recordings indicate the complainant called police and spoke in a highly excited and somewhat irrational manner. The complainant acknowledged that he was not acting in a very rational manner. He admitted chasing the man he called police about despite an officer yelling at him to stop and admitted chasing this man in his vehicle and failing to initially stop when officers attempted to pull him over. 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 #3: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that he called police to report that a man who he knew from a business proposal had attempted to break into his vehicle. The complainant said this man walked up to his truck and attempted to walk inside and realized the door was locked. When the named officer arrived he failed to arrest this individual. The named officer, a motorcycle officer, stated that when he arrived, the complainant was screaming frantically about his business partner trying to break into his vehicle. The business partner calmly explained that he came to see the complainant about money he owed him and denied trying to break into the vehicle. The complainant began screaming unintelligibly, ran around in circles and threw himself on the ground and began to cry. Two patrol officers arrived, said they were familiar with the complainant from previous contacts and took over the investigation. The two patrol officers confirmed the named officer's account as did a witness officer. The evidence established that the named officer conducted a preliminary investigation, then turned the investigation over to two patrol officers who were familiar with the complainant, who conducted further investigation. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated that he called police to report that a man who he knew from a business proposal had attempted to break into his vehicle. The complainant said this man walked up to his truck and attempted to walk inside and realized the door was locked. The complainant called police then followed this man when he left in a taxicab. When officers arrived they failed to arrest this individual. The named officers stated they investigated the complainant's claim that this man had attempted to break into his vehicle but saw no signs of forced entry and civilian witnesses they spoke to said they did not see an attempted break-in. They stated that they interviewed the man who said the complainant owed him money from a previous business venture. The named officers said they determined that no crime had been committed and denied that the complainant requested a citizen's arrest. Other officers who were present stated that they did not hear the complainant request a citizen's arrest. No other witnesses were identified. Communications recordings indicate the complainant called police and spoke in a highly excited and somewhat irrational manner. The complainant admitted chasing the man he complained about on foot and in his car after police yelled at him to stop and acknowledged that he was not acting in a very rational manner. The evidence established that the subject's actions as described by the complainant did not constitute a crime and that therefore the named officers were not required to make an arrest. 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 ALLEGATIONS #6 & 7: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that he called police to report that a man who he knew from a business proposal and who he had called police about in the past had attempted to break into his vehicle. The complainant stated this man walked up to his truck and attempted to walk inside and realized the door was locked. The complainant stated that on previous occasions, police officers told him to call police if he was contacted by this man and that he believed police were looking for this man. The complainant called police then followed this man when he left in a taxicab. When officers arrived they failed to properly investigate this matter. The named officers stated that they interviewed the man who said the complainant owed him money from a previous business venture. They investigated the complainant's claim that this man had attempted to break into his vehicle but saw no signs of forced entry and civilian witnesses they spoke to said they did not see an attempted break-in. The named officers said they determined that no crime had been committed. Two witness officers confirmed the named officers' accounts of the incident. No other witnesses were identified. Communications recordings indicate the complainant called police and spoke in a highly excited and somewhat irrational manner. The complainant admitted chasing the man he complained about on foot and in his car after police yelled at him to stop and acknowledged that he was not acting in a very rational manner. The evidence established that the investigation was proper.

SUMMARY OF ALLEGATION #8: The officer failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated the named officer failed to write an incident report. The evidence established that the officer wrote an incident report. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated that her neighbor called the police on her and her husband regarding a dispute. The complainant stated that one of the responding officers behaved inappropriately towards her and her husband. The complainant's husband refused to cooperate with this investigation. The neighbor did not return OCC's request for an interview. The responding officers denied the complainant's allegation. The complainant's description of the alleged officer did not match the description of either of the responding officers. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The officer could not remember if he spoke to the complainant. The officer, however, denied that he refused to take an OCC complaint as alleged. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer(s) failed to enforce a restraining order

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

FINDINGS OF FACT: The complainant refused to identify the officers and failed to provide additional evidence. There was no supporting evidence of an existing restraining order. There was insufficient evidence to prove the acts alleged in the complaint.

SUMMARY OF ALLEGATION #2: The officer's conduct was inappropriate

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

FINDINGS OF FACT: The complainant refused to identify the officers. The complainant failed to provide additional requested evidence.

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SUMMARY OF ALLEGATION #3: The officer's demonstrated biased policing, due to the complainant's race and economic status

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

FINDINGS OF FACT: The complainant refused to identify the officers and would not provide requested evidence in the alleged activity. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officers stopped her for a broken taillamp, which she acknowledged was not working. The officers stated they stopped the complainant for speeding and a broken taillamp. 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 while in an unmarked patrol car and in plainclothes, made a traffic stop on the complainant, violating DGO 5.08.

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

FINDINGS OF FACT: The complainant said the officers while driving an unmarked patrol car stopped her for a broken taillamp. The officers denied the allegation. They acknowledged they were in plainclothes and driving an unmarked patrol car. The officers stated they stopped the complainant due to the aggravated situation of speeding with a broken taillamp in a certain location during late night conditions. The officers said they felt it necessary to stop the vehicle immediately without waiting for a marked patrol car due to safety concerns. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers searched her car without cause. The officers denied the allegation. The officers stopped the complainant's car for speeding and a broken taillamp. Upon contact with the complainant, they smelled marijuana coming from the complainant's vehicle and legally searched it for drugs. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7-8: The officers searched personal property without cause.

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

FINDINGS OF FACT: The complainant stated the officers had no right to search her passenger's purse in the vehicle. The officers denied the allegation. The officers said based on the smell of marijuana emitting from the complainant's vehicle, they had cause to search areas in which drugs might be located. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer told her she did not have a valid driver's license and to be quiet or he would take her to jail for being on probation. The officer denied the allegation. He clarified that he could not take anybody to jail just for being on probation and the records showed her license was valid. The officer said the alleged comment did not sound like anything he would say. The witness officer did not hear the named officer make the alleged comment. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC ADDED-ALLEGATION #1: The officer failed to collect traffic stop data.

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

FINDINGS OF FACT: The officer stated he had a working knowledge of Department Bulletin 10-335 regarding the collection of Traffic Stop Data known as E585 data. The officer said he entered the E585 stop data upon clearing the traffic stop, but was uncertain if he had entered it correctly. The named officer stated he may have omitted the "K. (comma)" to properly transmit the data. The named officer acknowledged he was the senior officer and would have been responsible to make sure the E585 traffic stop data had been entered. The SFPD Legal Department provided a written response to OCC stating the Department had no documents responsive to the OCC Non-routine request. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleged that he was wrongfully arrested for violating a stay away order. The evidence proved that the complainant did in fact violate the stay away order. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATIONS #2-3: The officers behaved inappropriately, made inappropriate comments, and threatened the complainant.

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

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

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

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

FINDINGS OF FACT: The complainant said the officer was aggressive, not professional, and threatened to arrest him. The officer denied the allegation. The officer stated he was calm while the complainant was defensive. The officer said he told the complainant if he did not show or produce his identification to him, then the officer would have to take him to the station for identification. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant admitted he crossed the intersection against a red traffic light. The officer stated he had a clear and unobstructed view of the complainant who was in violation of 21453(d)-Crossing against a red light. There were no witnesses to the incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/11 **DATE OF COMPLETION:** 02/08/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer engaged in biased policing.

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

FINDINGS OF FACT: The complainant stated the officer targeted him, because of the complainant's ethnicity. The officer denied the allegation. The officer observed the complainant walked in a crosswalk against a red traffic light. The officer was interviewed relative to the OCC's biased policing protocol. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The officer was questioned relative to the OCC biased policing protocol and denied the allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/11 **DATE OF COMPLETION:** 02/17/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The named officer stated the probable cause for the complainant's arrest was for the misdemeanor crime of battery against a police officer, a violation of Penal Code section 243(b) and the infraction of crossing a street outside of a crosswalk, a violation of California Vehicle Code section 21955. When the officer decided to detain the complainant for these crimes, the complainant delayed the arrest by walking away, a violation of Penal code section 148. A witness officer stated the complainant purposely and willfully walked into/shoved him from behind. This officer further stated the complainant was "very agitated and continually uttered expletives and stated, You can't arrest me!" He stated the complainant refused to converse with him or answer any questions as to why he willfully ran into the officer. The complainant acknowledged that he bumped into an officer and refused to stop when ordered to do so. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS #2-4: The officers made threatening and inappropriate comments.

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

FINDINGS OF FACT: The officers denied the allegation. There were no witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 08/17/11 **DATE OF COMPLETION:** 02/17/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers used profanity.

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

FINDINGS OF FACT: The officers denied the allegation. There were no witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7-8: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant alleged unnecessary force was used on him at the station, in the sally port and in the cell, including that he was strung up on the bars of a cell. There are no operational cells at Central Station. Prisoners are secured to a bench in a holding area. The officers denied using any force or physical controls on the complainant. A witness officer stated that, as Station Keeper, he observed the complainant for several hours and saw no force or physical controls used on the complainant. There was no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/22/11 **DATE OF COMPLETION:** 02/01/12 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant was upset at the example this officer was setting by not following the laws that he is enforcing. The officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 2: The officer failed to perform his duty.

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

FINDINGS OF FACT: The complainant stated the officer passed his vehicle to go ahead of him and rolled and disregarded several stop signs. The complainant stated the officer did not have an emergency, lights and siren, and only stopped at the traffic light before the freeway. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/11 **DATE OF COMPLETION:** 02/23/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant described two incidents that involved another party who resided at the same shelter as the complainant. The other party glared at the complainant in an intimidating manner and verbally challenged the complainant to fight outside of the shelter. The complainant reported both incidents to the staff at the shelter and to the police. The named officer responded to one of these incidents and searched the shelter for the other party. The officer could not locate the other party and notified the complainant about his efforts. The complainant said he attempted to provide the officer with further details of the incidents, but the officer allegedly kept interrupting him. The complainant said the officer asked him if he (the officer) wanted to “baby sit” the complainant. The complainant said the officer was rude, accusatory and verbally aggressive. He stated the officer became further irritated with the complainant and threatened to request that the staff at the shelter evict the complainant. The officer denied displaying any inappropriate behavior or making any inappropriate comments. No independent witnesses were developed to corroborate the complainant’s allegations. There is insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/06/11 **DATE OF COMPLETION:** 02/15/12 **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: The complainant said she was detained without justification. The officer responded to a dispatched call regarding a suspicious person yelling and screaming. The officer spoke with the complainant and determined Medics were needed to the scene to assess the complainant. Medical records reveal the complainant complained of back pain and was transported to the hospital for an evaluation. A witness stated the complainant was screaming and yelling at the scene. There were no other witnesses to the incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/07/11 **DATE OF COMPLETION:** 02/14/12 **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 in his complaint narrative that the officer accused him of drinking and cited him. The officer stated the complainant was drinking an alcoholic beverage in a city park in violation of Park Code 3.10. There were no witnesses. The complainant did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated in his complaint narrative that the officer told him he had an attitude and that he could care less that he was a licensed physician. The officer denied the allegation. The complainant did not respond for an interview. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/21/11 **DATE OF COMPLETION:** 02/01/12 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer told him that he was stopped for running 3 red lights and for using a police siren. The named officer cited numerous violations in his police report including the complainant's use of a police siren. The witness officer stated he heard an audible siren and airhorn being emitted from the complainant's vehicle. Additionally, the witness officer stated the complainant failed to stop behind the limit line of an intersection controlled by an arterial stop sign and limit lines. The complainant did not deny these violations. However, the complainant alleged that the traffic stop and the citation issued were done in retaliation for a previous OCC complaint he filed against the named officer. The named officer denied the complainant's allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that he was cited without cause. The named officer and a witness officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/21/11 **DATE OF COMPLETION:** 02/01/12 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant alleged that his vehicle was towed without justification. The named officer and a witness officer denied the allegation. The police report indicates that the complainant's vehicle was towed for reckless driving. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the traffic stop was retaliation for a previous OCC complaint he filed against the named officer. The named officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/21/11 **DATE OF COMPLETION:** 02/01/12 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that he was not provided a copy of his citation. The named officer and a witness officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/06/11 **DATE OF COMPLETION:** 02/11/12 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 23, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/06/11 **DATE OF COMPLETION:** 02/16/12 **PAGE#** 1 of 2

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 that he should not have been arrested for domestic violence. The officers involved received information that the complainant had been verbally and physically abusive toward his pregnant wife. The wife confirmed that she had told police that her husband had pulled her hair and pushed her against a wall, although she had not been seriously hurt. The evidence proved that the act that provided the basis for the allegations indeed occurred, however, the action was justified as lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated that the officers sprayed him with pepper spray, hit him with a baton and handcuffed him. The complainant also stated that he was kned in the back and hit with a baton after he was handcuffed. The complainant's wife also stated that the officers hit the complainant with a baton after being handcuffed. The officers stated that they used force options during the arrest because the complainant was within arm's reach of a weapon and they had concerns about officer safety. The officers denied using any force after he was handcuffed. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer uttered a racial slur.

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

FINDINGS OF FACT: The complainant stated that during his arrest for domestic violence, an officer referred to his wife with a racial slur in a foreign language. The officers involved denied the allegation. There are no independent witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/21/11 **DATE OF COMPLETION:** 02/11/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 31, 2012.

SUMMARY OF ALLEGATION #21: The officer wrote an incomplete or inaccurate incident report.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 31, 2012.

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DATE OF COMPLAINT: 10/27/11 **DATE OF COMPLETION:** 02/28/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was ordered to approach the officer and the officer then got out of his patrol vehicle, grabbed his baton and acted in an aggressive manner. The complainant also stated that the officer spoke to him in an aggressive manner. The officer denied acting in an aggressive manner to the complainant and instead tried to explain why the complainant was acting in an unsafe manner. There are no independent witnesses in this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer failed to identify himself upon request.

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

FINDINGS OF FACT: The complainant stated that he asked the officer for his name and star number, and the officer said nothing in response. The complainant was only able to ascertain the officer's name by looking at the nameplate on his uniform. The officer stated that he responded to the complainant's request by providing his name and star number. There are no independent witnesses in this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 10/27/11 **DATE OF COMPLETION:** 02/28/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that he was walking in a bike lane on a road, against traffic, when an officer stopped in the median of the road and ordered him to get on the other side. The officer stated that he saw the complainant walking in the bike lane and ordered him to the pedestrian walkway on the other side of the road because California law states that no pedestrian shall proceed along a bicycle path or lane where there is an adjacent adequate pedestrian facility. The evidence proved that the act, which provided the basis for the allegation, occurred; however, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/01/11 **DATE OF COMPLETION:** 02/01/12 **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 forwarded to the San Francisco Department of Emergency Management (DEM).

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/17/11 **DATE OF COMPLETION:** 02/28/12 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated that he was hit by a city-owned vehicle as he was crossing an intersection and that the vehicle then left the scene. The complainant filed a police report but believes that police did not conduct a thorough investigation. The officer assigned to the case followed the protocol required for incidents involving city-owned vehicles and for hit-and-run incidents. An inspector was also assigned and conducted multiple interviews regarding the case. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer failed to promptly respond to the scene.

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

FINDINGS OF FACT: The complainant stated that he called 911 and other police phone numbers because he was the victim of a hit-and-run collision. He stated that he asked for police to come right away because he could identify the driver. Police did not come and the complainant then filed a police report at the nearest district station. There is no record of dispatch ever receiving a call from the complainant. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: 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:

SFPD Internal Affairs
850 Bryant Street, Room 545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATION #1: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that she was on the line with suicide hotline when two officers arrived at her apartment. As one of the officers was transporting her to the hospital for a psychological evaluation, the complainant stated that the officer made an inappropriate comment. The officer denied making the comment alleged by the complainant. There were no independent witnesses in this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-5: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that he witnessed a group of men threaten a transient man and throw a soft drink bottle at the man. In retaliation, the transient man threw a pot of water at the group's truck as they were leaving the scene. When police arrived, the group of men had already left but the transient remained. Police spoke to the transient man, who left the scene after talking to police. Police did nothing further to investigate the crime alleged by the complainant. The officers then stood around and talked to each other for several minutes before leaving. The complainant stated that he did not make an attempt to talk to the officers and that the officers made no attempt to interview witnesses. The officers stated that they did not believe a crime had occurred. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/21/11 **DATE OF COMPLETION:** 02/13/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION 1: The officer used profanity.

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

FINDINGS OF FACT: There were no witnesses and there was insufficient evidence to identify the officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/01/11 **DATE OF COMPLETION:** 02/11/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was driving with a friend who was holding a map. At the red light, the complainant looked down for less than five seconds. When the light turned green, she proceeded forward and stated that she did not block traffic, but the officer gave the complainant a citation for impeding traffic. The officer stated that the complainant was looking down at something for about five seconds after the light was green. Traffic was backed up behind the complainant's vehicle in the fast lane and it caused a disruption on a major thoroughfare. There are no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she was from out of town and needed help. Instead of helping, the officer was extremely rude and did not answer the complainant's questions. The officer stated that the complainant and the passenger were very upset and that he asked the two if they had any questions and they said nothing. There are no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/21/11 **DATE OF COMPLETION:** 02/11/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant, an emergency room nurse, stated that a patient came in to the hospital for treatment of injuries sustained during a police contact on the Broadway corridor. The complainant could not provide the name due to confidentiality laws. Several attempts were made to identify a similar incident but with no success. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 27, 2012.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 27, 2012.

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DATE OF COMPLAINT: 01/27/11 **DATE OF COMPLETION:** 02/17/12 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant and the passenger in his car said the officers used unnecessary force. The named members and witness officers denied using or witnesses unnecessary force. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-7: The officers detained the complainant at gunpoint.

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

FINDINGS OF FACT: The officers admitted to exhibiting their firearms and said they did so based on information that the suspect might be in possession of a firearm thereby creating an officer safety issue. Witness officers said they reported to the named members that the suspect might be armed. In the second contact the officers were executing a search warrant at a house and the subject was observed in the home prior to the conducting of a protective sweep. Not knowing what they may be walking into, the officer, therefore, exhibited his firearm for officer safety. All the other officers present denied pointing their firearm at the subject. 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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DATE OF COMPLAINT: 01/27/11 **DATE OF COMPLETION:** 02/17/12 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #8: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant said he did not sign the Property Release Form. The Property Release Form is signed by the complainant and the property is itemized thereon. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATIONS #9-11: The officers behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainants said that their floor was not sufficiently cleaned, that property was damaged and that the police report contains inaccurate information are not corroborated by any witnesses. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/27/11 **DATE OF COMPLETION:** 02/17/12 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #12-13: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The vehicle was searched subject to a probable cause to arrest. 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 #14-15: The officer's pat searched the complainant without justification.

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

FINDINGS OF FACT: The complainant was pat searched subsequent to a probable cause to arrest. 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: 01/27/11 **DATE OF COMPLETION:** 02/17/12 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #16: The officer searched the residence without cause.

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

FINDINGS OF FACT: The residence was searched based upon a duly executed search warrant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #17-18: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The officers were questioned relative to the OCC's biased policing protocol, they denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/30/12 **DATE OF COMPLETION:** 02/15/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The OCC investigator attempted to contact the complainant and reached his mother who advised that the complainant is schizophrenic. She denied having contact information for the complainant. A records search of the complainant did not produce any reliable information for the complainant or any incidents involving him. This complaint raises matters not rationally within the OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/12 **DATE OF COMPLETION:** 02/17/12 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO1 **DEPT. ACTION:**

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

San Francisco Sheriff's Department
Investigation Services Unit/TLO
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
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/12 **DATE OF COMPLETION:** 02/13/12 **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 stated he was cited for spitting on the sidewalk. The complainant admitted to the violation for which he was cited. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was lawful, justified and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/12 **DATE OF COMPLETION:** 02/11/12 **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: The complainant stated that his attorney mishandled his criminal case and that he was falsely charged in his criminal case. This complaint raises matters outside OCC's jurisdiction. The complaint has been referred to:

San Francisco District Attorney's Office
Attn: Administration
850 Bryant Street, Rm. 322
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: 02/10/12 **DATE OF COMPLETION:** 02/28/12 **PAGE #1 of 1**

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO-2 **DEPT. ACTION:**

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/14/12 **DATE OF COMPLETION:** 02/23/12 **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 Department
Internal Affairs Unit
25 Van Ness Avenue, Ste. 350
San Francisco, CA 94103

California Highway Patrol – Golden Gate
Office of Internal Affairs
455 Eighth Street
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/12 **DATE OF COMPLETION:** 02/28/12 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer searched the complainant's residence inappropriately.

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: