

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated the officer was argumentive during their verbal exchange. The officer did not remember being argumentive with the complainant. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer failed to take the required action. The named officer admitted to being the lead investigating officer during this incident and stated he investigated the incident, released the individuals who did not commit the crime, and arrested and booked the individual who admitted to the wrongdoing. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated that the officer had no lawful reason to issue a citation to the complainant's father's car. The complainant's father told the OCC that he had just purchased the used car. The officer cited the vehicle because it did not have proper license plates nor registration tabs. The officer's partners supported this statement. The complainant's brother, who was also present at the scene, did not respond to the OCC's requests for an interview. However, photographs taken by the complainant at the time of the incident and later provided to the OCC showed that the officer, in fact, had lawful authority to issue the citation for the above violations. The evidence proved that the acts, which provided the basis for the allegation occurred; were justified, lawful and proper.

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 issued the citation to his father's car solely in order to harass the complainant. The complainant's father supported this statement. The named member denied the allegation and stated that there was a lawful basis for the citation issuance and that he had no intention to harass the complainant. The officer's partners supported this statement. The complainant's brother, who was present during the incident, did not respond to the OCC's requests for an interview. Although, the pictures taken by the complainant at the scene of this incident and later provided to the OCC showed that the officer indeed had lawful reasons to issue the citation, the available evidence was insufficient 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:** S **DEPT. ACTION:**

FINDINGS OF FACT: The officer denied the allegation. The officer responded to a low priority call of threats made by the complainant's neighbor. The named officer contacted the complainant in the lobby of her building and she explained that her neighbor who resided on her floor had threatened to kill her. According to the officer, she provided insufficient details to arrest the subject or to write an incident report. The officer agreed to speak to the neighbor about the threat. The complainant took the elevator to the fourth floor and waited at her fourth floor apartment for the officer to contact her fourth floor neighbor. According to the officer, he went to an apartment on the fifth floor. When no one responded at the apartment on the fifth floor, he returned to the lobby, waited 2-3 minutes for the complainant and then left. The officer cleared the call without contacting the complainant; nor did he write an incident report. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer responded with her partner to a low priority call of threats made by the complainant's neighbor. They made contact with the complainant in the lobby of her building and she explained that her neighbor had threatened to kill her. The named officer took the secondary position as the cover officer during the contact with the complainant. The named officer had limited verbal interaction with the complainant. They responded to an apartment on the fifth floor in an attempt to contact the neighbor. When no one responded at the apartment on the fifth floor, they returned to the lobby, waited 2-3 minutes for the complainant and then left the building. The complainant corroborated she had no verbal interaction with the smaller officer. There is insufficient evidence to either 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 stated he was detained by an officer without justification. The officer stated he was patrolling an area known for auto burglaries and other criminal activity when he observed a vehicle parked with the engine running. When the officer approached the vehicle he observed two people in the vehicle sleeping with the seats reclined. Once the officer was able to wake the complainant who was seated in the drivers seat and his friend, he smelled a strong scent of alcohol on the complainant's breath. The complainant admitted that he was in the driver's seat, the engine was running for the heater, he had been drinking earlier that evening, and had fallen asleep with his friend. The officer was conducting a well being check on the complainant and his friend. The complainants female passenger has not responded to the OCC requests to be interviewed. There are no independent witnesses to this incident. 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 complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was searched without justification. The officer admitted to searching the complainant during the detention. The complainant was being detained for being under the influence of alcohol and at one point of the detention was resistant and was possibly going to be placed under arrest. The complainant admitted to drinking earlier in the evening, questioning the officer's actions and not complying with the officer's orders. The complainants female passenger has not responded to the OCC requests to be interviewed. There are no independent witnesses to this incident. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated he was searched without justification. The officer stated he was assigned to the police wagon on the day of the incident and was dispatched to the scene to transport the arrested complainant. The officer stated he conducted a pat search for weapons for officer safety during the transport of the complainant. The complainant's female passenger has not responded to the OCC requests to be interviewed. There are no independent witnesses to this incident. 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 searched the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated an officer searched the vehicle he was in during his detention. An officer stated during his OCC interview that he believed the vehicle was searched but did not remember which officer searched the vehicle. All of the other officers denied searching the complainant's vehicle. The complainant's female passenger has not responded to the OCC requests to be interviewed. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5-7: The officer used excessive force.

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

FINDINGS OF FACT: The complainant stated the officers used excessive force on him during his detention. The officers stated they placed hands on the complainant and used various control holds because the complainant verbally and physically resisted their commands. The officers denied using any excessive force on the complainant. The complainant admitted to verbally resisting the officer's commands. The complainant's female passenger has not responded to the OCC requests for an interview. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #8: The officer failed to identify himself as a police officer.

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

FINDINGS OF FACT: The complainant stated when the officer approached his vehicle he failed to identify himself as a police officer. The officer stated he was in a marked police vehicle, in full police uniform, and had his police lights shining on the complainant's vehicle. The officer further stated he did not remember specifically if he identified himself as a police officer, but believed that he did. The complainant's female passenger has not responded to the OCC requests to be interviewed. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer opened his car door and yelled at him to get out of the vehicle. The officer denied yelling at the complainant but did admit to asking the complainant several times to exit his vehicle to perform the field sobriety tests. The complainants female passenger has not responded to the OCC requests for an interview. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #10: The officer engaged biased policing due to race.

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

FINDINGS OF FACT: The complainant felt he was detained due to his ethnicity. The officer stated he did not know the complainant's ethnic background prior to the detention because the complainant was in the vehicle with the seat reclined, and the officer could not see the complainant. The officer further stated the complainant's ethnic background provided no basis for the detention. It was the fact that the complainant was sleeping in a parked vehicle with the engine running that provided the initial basis for the detention. The complainant's female passenger has not responded to the OCC requests for an interview. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #11: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated his friend was ordered to leave the scene while he was being detained. The officer stated he told the complainant's companion that she could leave or stay if she stayed away at a safe distance. The status of the complainant was not known because he was resisting, he was possible going to be arrested, and she would not be able to leave with him if he was being arrested, so she decided to leave on her own free will. The complainant's friend provided the officer with her cellular phone number so that he could contact her if the complainant was going to be released from the scene. When it was decided the complainant would be taken into custody, the complainant's friend was called and she came back to pick up the complainant. The complainant's female passenger has not responded to the OCC requests for an interview. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated the officers seized his properties. The officers said they effected a traffic stop on the complainant's car in violation of 21453(a) for failure to stop for a red traffic light. The officers stated they detained the complainant once they smelled Marijuana from him. The officers detained the complainant; pat searched and recovered a firearm on him. After further investigation, one of the officers searched the complainant's vehicle and recovered Marijuana and a scale. The other officer recovered cash from the complainant during the booking of him at the station. There were no independent witnesses on the scene. 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 towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated his vehicle could have been left legally parked on the scene instead of it being towed. The officers stated the complainant's vehicle could not be left or parked legally at the scene, because of parking restrictions, limits and the high crime rate in the area. The officers further said vehicles couldn't be left in the area due to 24 hour parking restriction. The investigation revealed there are parking meters and posted parking limitations' signs in the area. There were no witnesses on the scene. 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 issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated he stopped at a red traffic light at the controlled intersection before making his turn. The officers said they observed the complainant's vehicle make a right turn against a red traffic light in violation of vehicle code 21453(a). The officer stated he issued a citation to the complainant. There were no independent witnesses on the scene. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #6-7: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant did not know why he was searched and he stated the officers did not explain the search. The officers denied the allegation and said they effected a traffic stop after observing the complainant's vehicle failed to stop at a red traffic light in violation of vehicle code 21453(a). The officers stated they smelled Marijuana from the complainant during the traffic stop. The officers further said the complainant was pat searched and recovered a firearm from him on the scene and cash at the station. There were no independent witnesses on the scene. 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 OCC ADDED ALLEGATIONS #1: The officer failed to take required action.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-3: The officers arrested the complainants without cause.

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

FINDINGS OF FACT: A witness saw the complainants pasting posters, which advertised a rally, on various fixtures such as a mailbox, building wall, pole and other objects. The witness notified police and provided descriptions of the suspects. Officers responded to the scene, investigated the incident, saw the suspects and detained the complainants until the witness made a positive identification near the scene of this incident. Additionally, the officers found that the complainants had evidence of the crime in their possession. Based on the witness' identification and their investigation, officers arrested the suspects and booked them for malicious mischief/vandalism to property, a violation of section 594 (b) 1 of the California Penal Code after the officers made a determination the damage exceeded the misdemeanor threshold. Officers transported the complainants to jail. The complainants contend they were unlawfully arrested on the charges. They argue that the amount of the damage was under \$400. Therefore, they should have been charged with misdemeanor violations and released at the scene. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #4-6: The officers failed to prepare an accurate and complete Incident report.

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

FINDINGS OF FACT: The complainants contended officers "had absolutely no evidence" of a felony violation; therefore, they should have been cited for misdemeanor violations and released at the scene. They argued that the Incident report did not reflect the monetary damage of the alleged crime. A supervisory police officer, who approved the booking charges at the time of arrest, considered the total amount of damage done by the complainants and estimated the total cost of removing the posters from where these posters had been affixed. The supervisory police officer based her estimate on the prevailing hourly wage of a worker from the city department responsible for removing this type of damage, and estimated the total number of hours needed to remove the posters. Based on the total estimated amount of damage, the supervisory police officer concluded the damage exceeded the threshold for a misdemeanor violation and approved the booking of the complainants on felony violations. Consequently, the arresting officers prepared an Incident report documenting their investigation and charged the complainants with a felony rather than issuing citations to them. 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 #1-2: The officers' behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officers told him it was none of his business regarding out of town towing companies being charged higher fees by the city. The complainant further said the officers contacted his clients and told them not to do business with him due to an invalid tow permit. The officers denied that they told the complainant it was none of his business regarding out of town towing companies. Witnesses from the S.F. District Attorney's Office stated the complainant had a history of past and current towing complaints regarding excessive charges and his various clients were advised of his expired towing permit. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officers had a vendetta against him and his towing company. The complainant said the officers denied his towing permit and wanted him out of business. The complainant stated the officers were in collusion with individuals from the S.F. District Attorney's Office in harassing him and his company. The officers denied the allegation and stated the complainant did not renew his towing permit and operated in the city towing vehicles without a valid permit. Witnesses from the S.F. District Attorney's Office denied they were working with the officers to harass the complainant. The witnesses said they were following up with consumers' towing complaints against the complainant. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant said unnamed officers parked in a bike lane and a crosswalk. A photo submitted as evidence was inconclusive, as there was no proof of when the photo was taken, and it is uncertain if the car is occupied or for how long it was stopped at the location. The named and one witness officer said they did not recall parking in the area. Department records were inconclusive as to the location of the officers. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity during his contact with her. The officer admitted he used profanity as he exited the vehicle to make contact with the complainant. There were no witnesses to the incident. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper in violation of Department General Order (DGO) 2.01 section 14. Public Courtesy.

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

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

FINDINGS OF FACT: The complainant stated the officer screamed and made her feel like she was a criminal. The complainant further said the officer treated her with disrespect, indignity, and verbally abused her. The officer denied the allegation. The officer said the complainant was not cooperative in exchanging traffic collision information with him. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

CATEGORY OF CONDUCT: CRD

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated the officer harassed her. The complainant said the officer demanded her driver's license information and she was not comfortable with that. The officer denied the allegation and said the complainant refused to cooperate at the scene of a traffic accident. The officer further said the complainant initially refused to exchange any driver's information with him and wanted to leave the scene of an accident. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer was inattentive to his duties.

CATEGORY OF CONDUCT: ND

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The investigation established a traffic collision incident occurred between the officer and the complainant while the officer was off duty from his station. The officer stated he signed off with the station's Captain during the station's shift change before the hour. The officer said he followed the SFPD and station practice regarding personnel shift changes. The officer left the station near the end of his watch in his civilian and personal vehicle to pick up his daughter at a nearby high school. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to properly supervise a subordinate officer.

CATEGORY OF CONDUCT: ND

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The investigation established the officer adhered to the station and department wide practice of allowing extra time for equipment exchanges during the station's shift changes. The supervisor of the station permitted the subordinate officer at the station to report and leave before the hour or end of the shift in order to accommodate the shift change. 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: ND

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said that he had retrieved a pair of boots from an individual who had just stolen them from the complainant's store. The evidence established that the officers, incorrectly but reasonably believing that the complainant was the aggressor in a fight in progress, attempted to detain the complainant, who resisted. The complainant and the officers could not effectively communicate due to a language barrier until an unidentified Spanish-speaking officer responded to interpret for the parties. The officers' actions were lawful and proper under the circumstances.

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

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

FINDINGS OF FACT: The complainant stated that two officers tried to detain him, and he denied resisting their attempts to do so. The officers stated they attempted to detain the complainant, who appeared to be the aggressor in a fight or argument, but he resisted. Two witnesses verified that the complainant physically resisted the detention. The evidence further established that the complainant's resistance, coupled with a language barrier, warranted the officers' need to restrain the complainant with handcuffs for safety reasons until communication in the complainant's native language could be established. The officers' actions were lawful and proper under the circumstances.

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SUMMARY OF ALLEGATIONS #5-7: The officers used excessive force during the detention.

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

FINDINGS OF FACT: The complainant stated two detaining officers used excessive force to detain him and two back up officers kicked him after he was handcuffed. The detaining officers denied the allegation, stated they used minimal force to detain the complainant while he was standing, and denied physical contact by any other officer. Other officers responding to this detention as back up denied the allegation. Two witnesses verified the complainant resisted the arrest. There were conflicting statements between the detaining officers and witnesses on scene as to the type and degree of force used. Medical records show the complainant sustained a closed head contusion, knee abrasions, and pain to his neck, and right wrist. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer failed to take required action.

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

FINDINGS OF FACT: The officer acknowledged that the complainant was detained in handcuffs and released without being given a Certificate of Release as required under DGO 5.03 (II) (A)(3). As the senior officer who was responsible for the proper completion of the assignment, the officer should have issued or required the lower ranking officer to issue a Certificate of Release to the complainant.

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SUMMARY OF ALLEGATION #9: The officer failed to take required action.

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

FINDINGS OF FACT: The officer acknowledged that he and his partner detained the complainant in handcuffs and released the complainant without issuing him a Certificate of Release as required under DGO 5.03 (II) (A)(3). The evidence is unclear as to which officer ultimately released the complainant from the handcuffs. While the senior officer could have, but did not require the officer to issue the Certificate of Release, there was insufficient evidence to either prove or disprove this officer's responsibility to issue the Certificate of Release.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 5.03.

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

FINDINGS OF FACT: The complainant stated an officer told two men to tell his friend to “move on.” An officer poll was sent to the district station, but an officer could not be identified as being involved in this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

FINDINGS OF FACT:

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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 officer stated the complainant was noncompliant, agitated and holding a piece of wood in his hand. The officer indicated he felt threatened during the traffic stop and handcuffed the complainant for his safety. The complainant said he was compliant and holding a cat scratching post which he set down when the officer requested. The witness observed the complainant to be compliant and not resistant to the officer. The witness heard the officer yell and belittle the complainant during the traffic stop. A partial video recording of the traffic stop showed no indication of the complainant being agitated or threatening toward the officer. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer said once he handcuffed the complainant he began to scream obscenities in his ear and spit at him. The officer grabbed the complainant to control him and took him to the ground. The witness denied the complainant resisted the officer. A partial video recording of the traffic stop showed no indication of the complainant being agitated or threatening toward the officer. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/22/10 **DATE OF COMPLETION:** 12/16/10 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The officer stated it was necessary to use force to control the complainant from screaming and spitting at him. The officer grabbed the complainant by his neck to stop him from screaming and spitting and forced him to the ground. The force used by the officer was not an academy trained physical method of arrest and a potentially dangerous maneuver to inflict on an individual's throat area. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #4: The officer used unnecessary force by applying tight handcuffs.

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

FINDINGS OF FACT: The officer handcuffed the complainant, double-locked the handcuffs and checked for a proper fit by making sure he could fit one finger in the space between the handcuff and the complainant's skin. He denied making the handcuffs tighter in any fashion and the complainant did not complain of tight handcuffs. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/22/10 **DATE OF COMPLETION:** 12/16/10 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer's conduct was intimidating and threatening.

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

FINDINGS OF FACT: The officer denied the allegation. He told the complainant, numerous times, to calm down, to knock it off and to chill out. The witness heard the officer yell at the complainant and make belittling statements. The witness heard the officer call the complainant an "idiot." A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/22/10 **DATE OF COMPLETION:** 12/16/10 **PAGE#** 4 of 4

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to properly complete the use of force log.

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

FINDINGS OF FACT: The officer denied the allegation. He performed an investigatory evaluation regarding the use of force and observed no visible injuries on the complainant. The complainant complained of pain only, and that information was documented in the use of force log. The fire department patient care report indicated the complainant complained of pain to his throat, his wrist from the handcuffs and had small abrasions on his right ear. The complainant presented photos of visible injuries to his neck and ear from the use of force. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/31/10 **DATE OF COMPLETION:** 12/22/10 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer contacted her son for no reason, pushed him, searched him, twisted his hand, and told him to stay out of the area. The officer denied the allegation. The witnesses did not want to provide a statement. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used force.

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

FINDINGS OF FACT: The complainant and co-complainant stated that the officer used force in both contacts (pushing against wall, bending fingers, twisting wrists). The officer denied the allegation. The officer did say that he used a control hold while he conducted a weapons search. The co-complainant's brother did not want to provide a statement for one of the contacts. The co-complainant's friends did not want to provide a statement for the other contact. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 03/31/10 **DATE OF COMPLETION:** 12/22/10 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The co-complainant stated that the officer detained him and his friends when they came out of a store and went to wait for the bus. The officer stated he detained the co-complainant because he crossed the street against a red light and when he called him over the co-complainant ignored him and ducked into the bus shelter. The co-complainant's friends did not want to provide a statement. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The co-complainant stated the officer searched him for no reason. The officer stated he was going to admonish the co-complainant for the red light violation but the co-complainant hid in a bus shelter and he could not see his hands so he conducted a search for weapons. The co-complainant's friends did not want to provide a statement. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 04/07/10 **DATE OF COMPLETION:** 12/14/10 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant alleged the officer discarded a pair of latex gloves to the street after placing an arrestee inside their patrol car and made an inappropriate comment. The officer and his partner could not recall if the officer wore or discarded latex gloves to the street after placing the arrestee into their patrol car. Neither officer recalled any contact with the complainant and denied that the officer made the inappropriate comment. The arrestee denied any officer wore gloves to place him into the patrol car, but did not notice what happened thereafter to verify or deny the allegation. OCC attempts to locate other potential witnesses on scene at the time the arrestee was placed inside the patrol car were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/13/10 **DATE OF COMPLETION:** 12/01/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant felt the officer treated her unfairly and discriminated against her because she is not Caucasian. The officer denied the allegation. A witness did not respond to multiple OCC requests to provide a statement. No other witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer was rude, loud and refused to write a police report, even after she told the officer that she had sustained an injury. The complainant stated the officer told her she was playing games about her injury and trying to make money from the insurance company. The complainant said the officer would not let her borrow his flashlight in order to take photos of the vehicles' damages. The officer denied the allegation. The officer said he advised the complainant this was a non-injury accident and a report was not going to be written, but instead facilitated an exchange of drivers' information. The officer stated the complainant did not inform him she was injured, had no complaint of pain or needed an ambulance. The officer said he did not tell the complainant she was playing games or trying to make money with the insurance carriers. Lastly, the officer stated due to officer safety, he was not able to let the complainant borrow or use his flashlight. A witness did not respond to OCC requests to provide a statement. No other witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/27/10 **DATE OF COMPLETION:** 12/02/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was cited for fare evasion. The evidence shows that the complainant boarded a MUNI bus through the back door and tried to “hitch” a ride towards the next stop. The complainant failed to show MUNI pass or proof of payment during the contact with the officer. The evidence proved that the act, which provided the basis for the allegation, occurred. The officer’s actions were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2-3: The officers used force during the incident.

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

FINDINGS OF FACT: The complainant alleged that the officers used excessive force. He said the officers grabbed and pushed him. The officers denied the allegation. The complainant suffered no injuries during the contact. No witnesses were identified. The evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/27/10 **DATE OF COMPLETION:** 12/02/10 **PAGE#** 2 of 2

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

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

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

SUMMARY OF ALLEGATION #5-6: The officers made contact with the complainant because of his race and appearance.

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

FINDINGS OF FACT: The complainant alleged that the officers purposely contacted him because of his race and appearance. The officers denied the allegation. The officers stated they contacted the complainant because of fare evasion violation. No witnesses were identified. The evidence is insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/05/10 **DATE OF COMPLETION:** 12/02/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant alleged that the officer towed her vehicle without cause. Department General Order 9.06 makes it mandatory for an officer to tow any vehicle being driven by a person who had his or her license suspended. The evidence shows that the complainant's vehicle was involved in a fender-bender accident. At the time of the accident, the driver of the vehicle had a suspended license. 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 failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that the officer failed to take required action. The complainant said that during his contact with the officer at the Tow Hearing office, she asked the officer for a chair but the officer refused to provide her reasonable accommodation. The complainant said the officer refused to review her documents and denied her a tow hearing. When asked, the officer failed to provide his name and the name of the officer at the next window who made inappropriate comments to her. In his response, the officer could not recall the contact with the complainant. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer's behavior was rude and intimidating.

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

FINDINGS OF FACT: The complainant alleged that the officer was rude and intimidating during the contact. The officer could not recall the contact with the complainant. No witnesses were identified. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer engaged in disparate treatment toward the complainant.

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

FINDINGS OF FACT: The complainant alleged that the officer engaged in disparate treatment toward her. However, the complainant could not articulate or be specific about what she perceived as disparate treatment. She said prior to her contact with the officer on April 16, 2010, she visited the Tow Hearing office around closing time (3 :00 p.m.) The officer told her the office was already closed and at the same time closed the door on her. At that point in time the complainant said there were younger and attractive women in the hallway. These women walked and knocked on the door. The complainant said the officer opened the door and allowed them to enter. The officer could not recall the contact with the complainant. No witnesses were identified. The evidence was insufficient to either prove or disprove the allegation.

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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 complainant alleged that the officer failed to take required action. The complainant said the officer failed to provide his name when asked. The officer was not identified. No witnesses came forward. The evidence was insufficient 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 said that while at the Tow Hearing office, the officer made inappropriate comments when she asked for a chair. The officer was not identified. No witnesses were identified. The evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was a patron at a restaurant when the officer told him to remove his service dog. The complainant said he bought food at the restaurant and tried to provide supporting service dog information to the officer, but the officer refused to accept the information. The officer stated he responded to a call from the restaurant's management to remove individuals who were loitering. The officer explained to the complainant that he must leave the property or be subjected to an arrest for trespassing. The officer said the complainant had no information that his animal was a service dog. A restaurant employee stated she did not recall the incident but regularly calls the police regarding non-paying patrons and individuals or groups loitering on the restaurant property. 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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SUMMARY OF ALLEGATION #1: The officer detained the complainant at gunpoint.

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

FINDINGS OF FACT: The officer and his partner were dispatched to the third call of an escalating incident between the complainant and a female relative, the reporting party. The reporting party told dispatch the complainant had threatened her, vandalized her home, and was armed with a knife. The reporting party provided a full description of the complainant and very distinctive clothing. The officers arrived onscene, observed the complainant, and the reporting party verbally identified the complainant as the suspect to the officers. The complainant fled from the police. The named officers identified themselves as police and told the complainant to stop. The officer gave chase around nearby buildings in darkness and blind corners, while his partner took an alternate route to limit the complainant's escape. The officer drew his weapon for officer safety, overtook the complainant, and the complainant came to a stop. The named officer detained the complainant at gunpoint, until three additional officers arrived to assist. The officer reholstered his weapon, once the complainant was handcuffed. 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 # 2-3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The officer and his partner were dispatched to the third call of an escalating incident between the complainant and a female relative, the reporting party. The reporting party told dispatch the complainant had threatened her, vandalized her home, and was armed with a knife. The reporting party provided a full description of the complainant and very distinctive clothing. The officers arrived onscene, observed the complainant, and the reporting party verbally identified the complainant as the suspect to the officers. The complainant fled from the police. One of the named officers identified himself as the police and told the complainant to stop. The officers pursued, overtook and arrested the complainant. A witness who observed the complainant vandalize the reporting party's house signed a citizen's arrest form. A criminal history check on the complainant revealed he was on a three-year felony probation status. The complainant admitted he fled from police to avoid being sent to jail. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #4-5: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The named officers and an assisting officer stated the complainant remained on his knees with hands up in the air and failed to listen to commands to prone his body flat on the ground. A named officer grabbed the complainant's feet and pulled them out to force the complainant to the ground on his stomach. The officers quickly moved in and attempted to grab the complainant's hands for handcuffing. The named officers placed their knees on the complainant's shoulder blade area for control and restraint. The other named officer said the complainant tucked his left arm under his body and refused to provide his left arm for handcuffing. The officer pulled his left arm out from under his body and used a bent wrist twist lock to place his wrist on his back. The complainant was then handcuffed and searched to complete the physical arrest of the complainant. The assisting officers corroborated that the complainant tucked his left arm under his body, failed to follow commands and would not provide his left arm to the officers for handcuffing. The complainant sustained a fracture to his left elbow and an abrasion to his right cheek which were documented in police records. Due to reports that the complainant had a weapon on his person, it was immediately necessary to retrieve the complainant's arm for handcuffing restraints and for the officers' safety. The complainant admitted he fled from police to avoid being sent to jail. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-3: The officers displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant indicated officers confronted him on the basis that an unidentified female falsely accused him of harassing her. The complainant denied harassing the unidentified woman, or any other individual, and suggested the verbal contact he had with the unidentified woman was a misunderstanding. The complainant alleged the officers were disrespectful and belligerent towards him in their tone of communication and voice. The officers stated they responded to the incident based on a 911 emergency call for service. The officers indicated they questioned the complainant according to the information they received concerning the 911 call, and made routine database queries as to the complainant's identity. A witness was interviewed who took a video of the complainant having contact with various individuals. The witness showed this video to one of the officers. The officers denied being rude or disrespectful to the complainant. They indicated they were respectful and professional, yet firm in their contact with the complainant. A witness, who saw but did not hear any of the police contact with the complainant, stated the officers were very polite and did not mistreat the complainant in any manner. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4-6: The officers engaged in biased policing based on race or national origin.

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

FINDINGS OF FACT: The complainant alleged the officers were biased towards him when the officers detained him for questioning. He believed the officers harassed him and discriminated against him. The officers stated they responded to the incident based on a 911 emergency call for service. The officers indicated they located, identified and questioned the complainant based on detailed information a 911 caller provided, describing the complainant. They denied detaining the complainant on the basis of the complainant's race. A witness confirmed police confronted the right individual. The officers indicated they were respectful and professional, yet firm in their contact with the complainant. A witness stated the officers displayed politeness towards the complainant. Furthermore, the witness did not offer any evidence the officers were biased in their contact with the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #7-9: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged the officers detained him without justification. The officers indicated they located, identified and questioned the complainant based on detailed information a 911 caller provided, describing the complainant, location and the complainant's harassing behavior. A witness confirmed police detained the right individual. A witness was interviewed who took a video of the complainant having contact with various individuals. The witness showed this video to one of the officers. After investigating this incident, the officers determined that a crime had not been committed. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer arrested her without weighing the evidence. The officer stated both, the complainant and the complainant's neighbor wanted each other arrested, however, the officer had to determine a primary aggressor. The officer further stated the complainant was arrested as the primary aggressor in the battery because she initiated the confrontation and battered a vulnerable person whom, walked with a cane, had a cast on her foot and used an oxygen tank. The officer performed his duty within the guidelines of department policy for arrest by private citizen's. The officer's partner stated the officer determined whom to arrest. 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 placed the handcuffs on the complainant too tight.

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

FINDINGS OF FACT: The complainant stated the officer placed her handcuffs on too tight and his partner had to loosen them. The officer denied the allegation. The officer's partner stated he did not recall loosening the complainant's handcuffs. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 05/21/10 **DATE OF COMPLETION:** 12/23/10 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer acted inappropriately and made threatening and inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer called her a moron and threatened to return if she did not attend her court hearing. She further stated the officer left her in his patrol vehicle for an hour with the engine running and windows rolled up. The officer and his partner denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer and his partner denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/24/10 **DATE OF COMPLETION:** 12/16/10 **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 he was circling the block looking for a parking space when the officers stopped him because his music was too loud, which he disputes. The named officer stated he was driving behind the complainant, with his windows down and subsequently stopped the complainant because he heard the complainant's vehicle music from a half block away. The officer's partner stated the complainant was stopped because his music was too loud. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer searched the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated during his initial traffic stop, the officer searched him and his vehicle and found marijuana. In addition, the complainant stated he was compliant during the stop and allowed the officer to search his vehicle. The named officer stated he searched the complainant's vehicle because he smelled marijuana and that the complainant was on parole. The officer's partner cited the same basis for the vehicle search. The officer had probable cause to search the complainant and his vehicle because he smelled marijuana. Furthermore, the complainant gave the officer permission to search his vehicle. 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: 05/24/10 **DATE OF COMPLETION:** 12/16/10 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #3-4: The officers harassed and threatened the complainant.

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

FINDINGS OF FACT: The complainant stated the officers stopped him twice on the same night, threatened to “jack” him everytime they see him. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #5: The officer detained the complainant because of his race.

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

FINDINGS OF FACT: The complainant stated the officer stopped him because of his race and the car that he was driving. The officer and his partner denied the allegation. No witness came forward. There was insufficient evidence to prove or disprove the allegation made in the complainant.

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DATE OF COMPLAINT: 05/24/10 **DATE OF COMPLETION:** 12/16/10 **PAGE #3** of 3

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

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

FINDINGS OF FACT: The complainant stated he clearly passed through the intersection on a yellow light but was stopped and cited for a red light violation. The named officer stated the complainant ran a red light. The officer's partner did not recall the incident. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officers detained him without justification. The officers denied detaining the complainant. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated the officers entered his residence without his permission. The officers denied the allegation and stated the complainant gave them permission to enter his residence and speak to him. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments. The officer denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer refused to provide his name and star number.

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

FINDINGS OF FACT: The complainant stated the officer refused to provide his name and star number. The officer denied the allegation and stated he verbally provided the complainant with his name and star number. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/10 **DATE OF COMPLETION:** 12/02/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officers failed to interview available witnesses to a battery perpetrated upon him. The complainant stated that there were available witnesses at the scene where the battery occurred. The officers denied the allegation, stating they canvassed for witnesses at the scene but there were no witnesses to the incident. The officers also stated they returned at the complainant's request to collect further information from the complainant, but he had no additional information to give them. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #3: The complainant alleged the officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant alleged the officer assigned to investigate his case failed to properly follow up in a timely manner. The officer denied the allegation. The officer provided the OCC with dates. He followed up with the complainant and explained the tasks he performed, including the issuance of a warrant for the arrest of the primary suspect. The officer followed up with another division of the San Francisco Police Department, as well as the District Attorney's Office on two occasions. The suspect in the complainant's case was arrested, booked and then rebooked, as required. 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: 06/14/10 **DATE OF COMPLETION:** 12/02/10 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant alleged the officer laughed inappropriately at a photograph in his cellular phone while retrieving a different photograph that was relevant to the investigation. The officer denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/10 **DATE OF COMPLETION:** 12/29/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The department 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 December 8, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/10 **DATE OF COMPLETION:** 12/13/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainants stated they were walking nude on a public street when the named officer approached them and ordered them to get dressed. The officer told the complainants that public nudity was against the law, their behavior was lewd and they would be arrested if they did not comply with the officer's orders. In prior OCC complaints, the issues raised in the complaint were addressed department wide with the issuance of Department Bulletin 10-251 on November 23, 2010. The Bulletin states in part that individuals who appear naked in public should not be cited for PC 341 unless the act is both lewd and willful. The evidence proved that the act by the member was justified by Department policy, procedure or regulation; however, the OCC recommended a change in the particular policy, procedure, or regulation. The act complained of occurred before the issuance of Department Bulletin 10-251.

SUMMARY OF ALLEGATION #2: The officer threatened to arrest the complainants.

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

FINDINGS OF FACT: The complainants stated they were walking nude on a public street when the officer approached them, ordered them to get dressed and threatened to arrest them if they did not comply with his orders. In prior Office of Citizen Complaints, the issues raised in the complaint were addressed department wide with the issuance of Department Bulletin 10-251 on November 23, 2010. The Bulletin states in part that individuals who appear naked in public should not be cited for PC 341 unless the act is both lewd and willful. The evidence proved that the act by the member was justified by Department policy, procedure or regulation; however, the Office of Citizen Complaints recommended a change in the particular policy, procedure, or regulation. The act complained of occurred before the issuance of Department Bulletin 10-251.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/10 **DATE OF COMPLETION:** 12/17/10 **PAGE#** 1 of 1

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/10 **DATE OF COMPLETION:** 12/30/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he made a right turn on a green traffic signal and was subsequently told to pull over by the officer. The complainant stated he handed the officer his current and valid insurance card but nonetheless, was cited for an illegal right turn and no proof of insurance. The officer stated he observed the complainant attempt to avoid traffic by making an illegal right turn and ordered him to pull over. During the stop, he stated he asked the complainant for proof of insurance and the complainant was unable to produce it. The officer stated he cited the complainant for the two violations listed above. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated the yelled at him and had his hand on his gun for a minor traffic violation. The officer acknowledged he yelled at the complainant, because the complainant did not comply with his order to pull over. Futhermore, the officer stated he was in a bladed stance when he stopped the complainant and out of habit he probably touched his gun. The officer stated he did not pull his gun out or point it at the complainant. There is no Department guideline that prohibits officers from touching their guns while in enforcing the law. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/10 **DATE OF COMPLETION:** 12/30/10 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer ordered his passenger out of his cab and did not allow him to collect his passenger's fare. 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 OCC ADDED ALLEGATION #1: The officer failed to make the required E585 data entry.

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

FINDINGS OF FACT: Department records show the officer failed to make the required E585 data entry pursuant to DB 08-268. The officer stated he did not recall if he made the entry and did not provide a reasonable explanation for his negligence. A preponderance of the evidence proved that the conduct complained of did occur, and that using a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/10 **DATE OF COMPLETION:** 12/13/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer entered the complainant's residence without justification.

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

FINDINGS OF FACT: The complainant stated the officer entered her residence without justification. The officer had a signed and valid search warrant to enter the complainant's residence. 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 searched the complainant's residence without justification.

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

FINDINGS OF FACT: The complainant stated the officer searched her residence without justification. The officer had a signed and valid search warrant to search the complainant's residence. 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: 08/11/10 **DATE OF COMPLETION:** 12/29/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 16, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/10 **DATE OF COMPLETION:** 12/13/10 **PAGE#** 1 of 1

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

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

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

Western Security Bureau Associates
1390 Market Street, #314
San Francisco, CA 94102
(415) 864-3510

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/10 **DATE OF COMPLETION:** 12/02/10 **PAGE #1** of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to summon medical attention.

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

FINDINGS OF FACT: The complainant stated her son was sick and throwing up in her car. The complainant said her son told one of the officers he was not well and requested a paramedic. The complainant said the officers did not call for a paramedic and focused on writing her citation instead. The officers denied the allegation. The officers stated the complainant did not request medical attention or paramedics for her son. The officers did not witness the complainant's son throwing up in the car. A civilian witness did not respond to OCC requests to be interviewed. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated she felt harassed by the officers regarding the traffic stop. The complainant stated she was unloading her children at the loading zone area and was told to move by the officers. The complainant admitted she had an expired vehicle registration. The officers denied the allegation. The officers were in their marked vehicle behind the complainant's vehicle and verified she had expired vehicle registration tags in violation of CVC 4000(a)-vehicle registration. The officers said they were calm, courteous, and professional toward the complainant. The officers issued a citation for the complainant. A witness did not provide a statement to the incident. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/21/10 **DATE OF COMPLETION:** 12/29/10 **PAGE #**1of 1

SUMMARY OF ALLEGATION #1: The officer wrote an incorrect/inaccurate 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 December 1, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/01/10 **DATE OF COMPLETION:** 12/08/10 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complaint was previously filed and investigated and the officer's conduct was determined to be Proper Conduct.

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

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

FINDINGS OF FACT: The complainant stated that he was arrested without cause. The evidence proved that the acts which provided the basis for the allegation occurred; however the officer's action were proper and lawful when he arrested the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/10 **DATE OF COMPLETION:** 12/29/10 **PAGE #1** of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 15, 2010.

SUMMARY OF ALLEGATION #2: The officer prepared an inaccurate citation.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 15, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/10 **DATE OF COMPLETION:** 12/29/10 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 15, 2010.

SUMMARY OF ALLEGATION #4: The officer demonstrated biased policing due to ethnicity.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 15, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/10 **DATE OF COMPLETION:** 12/27/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she felt the officer was abusive, refused to identify himself, and was intimidating and threatening. The evidence shows that the plainclothes individual being complained of was not a police officer but a corporate civilian security officer.

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

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

FINDINGS OF FACT: The complainant was being terminated from her employment and being escorted off of the employer's premises. The complainant refused to leave the property and the police were summoned by building security. The officer was asked to (civil) stand by as the complainant was escorted off of the property by security staff. The actions complained of by the complainant do not rise to the level of criminal conduct and were a civil matter. The officer's conduct was proper and appropriate.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/10 **DATE OF COMPLETION:** 12/29/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 07, 2010.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 07, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/10 **DATE OF COMPLETION:** 12/29/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 1, 2010.

SUMMARY OF ALLEGATION #2: The officer failed to promptly and politely provide his star number.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 1, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/25/10 **DATE OF COMPLETION:** 12/30/10 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 1, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/10 **DATE OF COMPLETION:** 12/29/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 20, 2010.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 20, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/10 **DATE OF COMPLETION:** 12/08/10 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue #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: 11/16/10 **DATE OF COMPLETION:** 12/03/10 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The evidence proved that the acts which provided the basis for the allegation 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: 11/23/10 **DATE OF COMPLETION:** 12/02/10 **PAGE#** 1 of 1

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

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

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

Officer in Command
Investigative Services Unit
San Francisco Sheriff's Department
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: 11/29/10 **DATE OF COMPLETION:** 12/02/10 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **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
Attn: Internal Affairs
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: 10/21/09 **DATE OF COMPLETION:** 12/13/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers failed to investigate her report of an assault. The officers stated they did not recall speaking with the complainant. They said the alleged suspect had left the premises, and that they spoke to a staff member at the facility, who said there had been an altercation, but the staff handled it internally. The witnesses did not respond. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers were condescending and dismissive. The officers did not recall the contact. The witnesses did not respond. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/09 **DATE OF COMPLETION:** 12/13/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer(s) intimidated the complainant.

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

FINDINGS OF FACT: The complainant stated that officers from the SFPD intimidated him. The complainant did not provide any clarifying information regarding the identities of officers who may have engaged in the alleged intimidating behavior. The complainant only provided information regarding his two most recent police contacts. During both contacts, the officers involved in his arrest were identified. The OCC questioned the arresting officers. The officers denied the allegation. One said he contacted the complainant on two specific instances, but stated that his research revealed that the complainant was from an area outside his jurisdiction where the complainant had previous contact with other sworn officers. The officer stated that other than his two contacts with the complainant, he had never encountered the complainant before. The second officer had a single contact with the complainant. The complainant did not name any other officers. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: This allegation raises matters outside OCC's jurisdiction.

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

FINDINGS OF FACT: The complainant stated during his OCC interview that while housed at the County Jail, SFSD personnel confiscated his property (money). This complaint raises matters outside OCC's jurisdiction. On 10-1-10, this complaint was referred to: San Francisco Sheriff's Department, Investigative Services, 25 Van Ness Avenue, 3d floor, San Francisco, CA. 94102.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/09 **DATE OF COMPLETION:** 12/13/10 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer used unnecessary force while taking him into custody. The complainant was observed making suspected narcotics sales on the street. Two officers detained him. The complainant specifically stated that one officer struck him in the orbital area of the eye while he was detained on the street. Officers placed him into a police car. The complainant further stated that when he was seated in the police car, the same officer used knee strikes to hit him. The complainant admitted that he did not complain of pain or injury at the scene. The complainant did not request an ambulance at the scene or at the police station. The complainant was accepted by the triage nurse at San Francisco County Jail. The complainant stated that photos were taken by the SFPD. The OCC requested the photos described by the complainant. The Legal Division of the SFPD stated there were no photos responsive to the OCC's request.

The officer denied the allegation. The named officer said that when the complainant was seated in the police car with his hands handcuffed behind his back, he dug his hands into the rear of his pants and began to stuff his hands into his anal area. The officer recognized through his training and experience that the complainant sought to secrete narcotics into his rectum. When the officer's verbal commands failed to gain the complainant's compliance, the officer stated he used pain compliance to the complainant's mastoid process. The complainant continued to stuff his hands into his rear. The officer discontinued the pain compliance technique to the mastoid process and administered blows with his closed fist and pulled the complainant's head down. A second officer was able to free the complainant's hands from his pants. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/23/09 **DATE OF COMPLETION:** 12/28/10 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated the officer did not take action to prosecute and/or protect her from a person whom she accused of sexual assault, stalking and harassment. The complainant further alleged the officer demeaned and derided her complaints, and that he has influenced other officers to ignore her complaints. The officer stated he has known the complainant for a long time, that the District Attorney has declined to prosecute a man whom the complainant alleged raped her, and that the complainant has had difficulty accepting this outcome. The officer stated he assisted the complainant with a subsequent report of civil harassment against her alleged assailant. The officer denied having a dismissive attitude toward the complainant. There are no witnesses to conversations between the officer and 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/09 **DATE OF COMPLETION:** 12/13/10 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The SFPD failed to return the complainant's property.

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

FINDINGS OF FACT: On October 29, 2008 the San Francisco Superior Court issued the complainant a court order for the return of non-contraband property SFPD officers had seized in connection to a marijuana case in which the complainant was the defendant. On October 30, 2008 the complainant presented the court order to SFPD Legal and obtained a property release from SFPD Legal. Between October 30, 2008 and September 29, 2009 the complainant contacted in person and by phone SFPD's Property Control Division (PCD) to obtain the release of his property. When these efforts failed, on September 29, 2009 the complainant again sought judicial assistance to obtain release of his property. On September 29, 2009 the San Francisco Superior Court granted another court order requiring SFPD to release immediately the complainant's property. When the complainant presented the second court order to PCD, he was informed that his property had been destroyed during the ordinary course of SFPD's property destruction schedule.

SFPD does not appear to have a reliable system that documents the seizure of property, and pertinent information about the property's status, including its location, SFPD's review to hold, destroy or release it, court orders for its release or destruction, and notice to the owner concerning SFPD's decision to hold, release or destroy the property. Additionally, SFPD's Property Control Division manual has not been updated since 1998 and does not adequately address notice and due process requirements before destroying non-contraband property. The OCC concludes that the destruction of the complainant's property was the result of a policy failure and recommends that the Department implement a property hold, release and destruction system that is consistent with best practices.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/09 **DATE OF COMPLETION:** 12/13/10 **PAGE #2** of 2

SUMMARY OF ALLEGATION #2: The SFPD destroyed the complainant's property without cause.

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

FINDINGS OF FACT: On October 29, 2008 the San Francisco Superior Court issued the complainant a court order for the return of property SFPD officers had seized in connection to a criminal case in which the complainant was the defendant. On October 30, 2008 the complainant presented the court order to SFPD Legal and obtained a property release from SFPD Legal. Between October 30, 2008 and September 29, 2009 the complainant made numerous attempts in person and by phone to obtain the release of his property from SFPD's Property Control Division (PCD). When these efforts failed, on September 29, 2009 the complainant again sought the assistance of the court to obtain release of his property. On September 29, 2009 the San Francisco Superior Court granted another court order requiring SFPD to release the complainant's property. When the complainant presented the second court order to PCD, he was informed that his property had been destroyed during the ordinary course of SFPD's property destruction schedule.

SFPD does not appear to have a reliable system that documents the seizure of property, and pertinent information about the property's status, including its location, SFPD's review to hold, destroy or release it, court orders for its release or destruction, and notice to the owner concerning SFPD's decision to hold, release or destroy the property. Additionally, SFPD's Property Control Division manual has not been updated since 1998 and does not adequately address notice and due process requirements before destroying non-contraband property. The OCC concludes that the destruction of the complainant's property was the result of a policy failure and recommends that the Department implement a property hold, release and destruction system consistent with best practices.

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DATE OF COMPLAINT: 01/08/10 **DATE OF COMPLETION:** 12/27/10 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated she did not strike or resist any officer. The named officer and two other officers present and involved during the arrest stated the complainant refused to obey the officer's commands. Three officers on scene gave conflicting statements as to how the complainant slapped the named officer across the face. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer broke her left arm during her arrest. The complainant denied offering any resistance to the named officer. The named officer and two witnesses present during the arrest stated that after the complainant committed a battery upon the named officer, the complainant continued to violently resist her arrest. Medical evidence established the complainant sustained a left elbow fracture. The two witnesses present during the arrest could not see or describe the degree of force used by the named officer to overcome the complainant's resistance. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/08/10 **DATE OF COMPLETION:** 12/27/10 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant said the Latino officer handcuffed her inside her residence. The officer and two dependent witnesses inside the residence stated the named officers handcuffed the complainant because she assaulted the Latino officer, who was attempting to investigate her husband's call to the police reporting a 418 (fight / domestic violence). There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5-7: The officers failed to prepare an accurate and complete report.

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

FINDINGS OF FACT: The co-complainant stated that the named officers misrepresented their statements in their incident report. The officers denied the allegation. Two other witnesses on scene could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants stated they were issued a reportee follow up form in English, and no information about domestic violence. One Spanish-speaking officer in the primary unit denied the allegation and stated she believed she issued domestic violence cards to the co-complainant in English and in Spanish. The other Spanish-speaking officer stated his partner wrote the incident report and he was not privy to what his partner did in relation to the domestic violence card. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated the officer directed paramedics to transport his wife to a hospital other than the one requested. Paramedics and officers both stated that City and County policy requires paramedics to transport injured people in custody exclusively to San Francisco General Hospital for medical evaluation. The officer denied the allegation, and stated that the paramedics determined where the injured complainant would be taken, not him. Three other witnesses on scene could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The co-complainant stated the officer behaved in a threatening and intimidating manner toward him while attempting to obtain a reportee written statement from him. The co-complainant also alleged the officer would not let him drive to the hospital where his wife was being transported. The officer denied the allegation and stated he repeatedly attempted to obtain a written statement from the co-complainant because he was the reportee of the initial call to police that dispatch classified as domestic violence. The officer also stated that he merely suggested to the co-complainant that perhaps he should not drive to the hospital for his own safety. The officer also said the co-complainant's behavior changed when his wife was arrested and injured in the process. A witness saw the officer talking with the co-complainant in Spanish, but since he does not understand Spanish, he could not verify or deny the allegation. A dependent witness who saw the officer talking to the co-complainant in Spanish, understood them, denied the allegation. The witness stated the officer repeatedly asked the co-complainant two or three times if he was sure that he did not want to provide a reportee written statement, and confirmed the officer merely suggested to the co-complainant that perhaps he should not drive out of concern for the co-complainant's safety. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The officer failed to properly supervise.

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

FINDINGS OF FACT: The co-complainant stated that a supervisor responded and had a discussion with the arresting officer outside the residence and that the supervisor relied exclusively on it without entering his residence or interviewing him or his wife to investigate why his wife was injured during her arrest. The supervising officer stated he entered the residence and conducted a use of force investigation as well as an assessment of the domestic violence call by talking with two Spanish-speaking officers on scene. The supervising officer and two Spanish-speaking officers stated that both spouses declined to give statements as to why the husband called the police after the complainant was arrested for battery upon a police officer. The reporting spouse initiated a call about his wife, which was initially classified by dispatch as a domestic violence related call. The San Francisco Police Department advance officer training regarding domestic violence established that supervisors can only ensure officers document voluntary statements by spouses and their refusals to provide a statement in case there are future domestic violence incidents. The supervising officer review of the steps taken by the arresting officers did not deviate from what supervisors can expect from officers handling domestic violence calls wherein both spouses are uncooperative to provide statements, and the suspect was reported to be under the influence of medication.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/02/10 **DATE OF COMPLETION:** 12/08/10 **PAGE #1 of 3**

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

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

FINDINGS OF FACT: The named and four witness officers stated that they were dispatched to deal with a barricaded suspect with a gun. Dispatch records and an incident report from a hotel indicated officers were told a man in a hotel room had threatened to kill himself. A witness confirmed that hotel staff was told the complainant had threatened to use his gun. The evidence proved the acts that formed the basis for the allegations occurred, and that such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant said officers pushed him down when he was cooperating, and then yanked him up by an arm while he was handcuffed. Six officers at the scene denied the allegations, stating that no one pushed the complainant and that no one saw the complainant being lifted in a manner that violated training and procedure. The officers did not recall who lifted the complainant. A witness at the scene said the officers “helped him up,” and used no excessive force. No other witnesses came forward. There was insufficient evidence to either identify the officers involved or to prove or disprove the allegation.

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DATE OF COMPLAINT: 01/02/10 **DATE OF COMPLETION:** 12/08/10 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #3: The officer failed to properly investigate an incident.

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

FINDINGS OF FACT: The complainant said officers did not question him regarding the incident. The named officer said he interviewed the complainant and the incident report reflected the interview, which matched the statements the complainant made about the incident. An SFPD supervisor at the scene stated that the incident was adequately investigated. A witness to the incident said she saw the officers speaking to the complainant, but said she did not know what was said. The evidence proved the acts that formed the basis for the allegations occurred, but that such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The named officer confirmed he was responsible for the seizure of the complainant's gun but denied the allegation, stating that the situation included a broadcast threat of suicide and that laws regarding domestic violence required the seizure of the gun for safe keeping. The named officer and the investigating officer acknowledged, however, that the complainant was not suspected of domestic violence and had committed no crime nor made any threat and legally possessed his gun. Three witness officers acknowledged they found no merit to the threat of suicide, but still felt that removal of the property was prudent. Four witness officers stated that the named officer ordered the seizure. One witness stated that hotel staff had been told that the complainant acknowledged having a gun and threatened to "use it." No other witnesses came forward. A preponderance of the evidence proved the acts that formed the basis for the allegation occurred, but that such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #5: The officer held the complainant in handcuffs for too long.

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

FINDINGS OF FACT: The six officers at the scene stated that the complainant was in handcuffs for no more than ten minutes, just long enough to secure a dangerous scene. None of the officers could recall who released the complainant from handcuffs. However, the complainant's detention was properly documented and he was issued a certificate of release. No other witnesses came forward. There was insufficient evidence to identify the officer responsible or to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer arrested him without any legitimate reason. The named member stated that the complainant was taken into police custody because he tried to obstruct the arrest of his brother and did not comply with the officers' commands. The named member's partner corroborated this statement. Two potential witnesses to the occurrence did not respond to the OCC's requests for an interview. The available evidence was insufficient 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 stated that the officer cited him without a lawful reason. The named member stated that the complainant was cited because he tried to obstruct the arrest of his brother and did not comply with the officers' commands to stop and back off. The named member's partner corroborated this statement. Two potential witnesses to the occurrence did not respond to the OCC's requests for an interview. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #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 one officer grabbed his arm and threw him on the ground without any lawful reason and the second officer pushed his face onto the sidewalk causing injury to the complainant's face. The named member stated that he indeed grabbed the complainant by the arm and brought him to the ground to accomplish a lawful arrest but he denied pushing or hitting the complainant's face onto the sidewalk. Two other officers involved in the complainant's apprehension stated that they assisted in the complainant's handcuffing but denied pushing or hitting his face onto the sidewalk. A third officer who was present and one civilian witness told the OCC that they did not see how the complainant was taken into custody. Two other potential witnesses did not respond to the OCC's requests for an interview. The available evidence is insufficient to determine whether the complainant's face was pushed with excessive force onto the ground and, if so, which officer was responsible for this misuse of force. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officers acted in an inappropriate manner and made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that the arresting officer made an inappropriate and provocative comment before taking the complainant into custody. The named member denied the allegation. The officer's partner supported this statement. Two potential witnesses to the occurrence did not respond to the OCC's requests for an interview. There were no other identifiable witnesses to this part of the occurrence. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants alleged that they were in their vehicle when the officers suddenly stopped and detained them without justification. A review of the evidence shows that a call was made regarding a vehicle following an armored truck during its stops at different locations. The vehicle's description and license plate were similar to the vehicle being used by the complainants. The evidence therefore proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #3-4: The officers detained the complainant at gunpoint.

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

FINDINGS OF FACT: As described above, the evidence shows that a call was made regarding a vehicle following an armored truck. Considering the nature of the call and the safety of the responding officers, the detention of the complainants at gunpoint was therefore justified, lawful, and proper.

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SUMMARY OF ALLEGATION #5: The officers searched the complainants' vehicle without cause.

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

FINDINGS OF FACT: As described above, the complainants' vehicle matched the description of the vehicle following an armored truck. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers conducted a traffic stop without cause.

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

FINDINGS OF FACT: The complainant stated the officers stopped his car without cause. The complainant said the officers stopped him for failing to yield to a pedestrian in a crosswalk. No available witnesses came forward. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer towed his vehicle without justification. The complainant admitted his license was suspended to the OCC, but stated his fiancée was with him in the car, and she was a licensed driver. Per SFPD policy, the officer was required to tow the complainant's car. 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 ALLEGATIONS #4: The officer cited the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officer issued him a citation without justification. The complainant admitted driving his car while his license was suspended. 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 #5-7: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that one of the male officers who detained the complainant made inappropriate comments about the complainant's criminal history. The complainant also alleged that the female officer told him he was under arrest for an offense for which officers usually cite and release at the scene. The officers denied the allegation. There were no percipient, independent witnesses. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #8-9: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated the officers followed him and then conducted a traffic stop for no reason. He said he could not be safe in his community. He stated he did not understand why the officers focused on him by searching him and his car but did not search his Caucasian girlfriend. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged an officer intentionally and wrongfully confiscated a bottle of champagne when he was on his way to a New Year's Eve party which was in the same location of a large, public New Year's Eve celebration. The officer denied the allegation. The officer when questioned stated that he believed that the complainant's champagne bottle was open. He stated he received a direct order from a commanding officer to seize bottles from individuals traveling in a specific direction because of bottles being used as weapons in the area of the public New Year's Eve celebration. There is insufficient evidence to either prove or disprove the allegation .

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

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

FINDINGS OF FACT: The complainant alleged an officer deliberately took an unfoiled, corked bottle of champagne from his hand and destroyed it, smashing it onto a garbage can. The complainant said the officer acted in an inappropriate manner, mocking him with rude comments and by getting angry by smashing it on a nearby garbage can. The witnesses' accounts varied with the complainant's account regarding the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 01/29/10 **DATE OF COMPLETION:** 12/30/10 **PAGE #**1 of 6

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

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

FINDINGS OF FACT: The complainant stated he was pulled over and did not know why until he saw the citation. The complainant denied the violations but later stated if he was speeding he should have just been given the ticket. The officer denied the allegation. One witness stated he did not know why the police stopped the complainant. There were no other witnesses as to the speeding. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was issued a citation for speeding, unsafe lane changes, and failure to stop which he denies. The officer stated that the complainant was speeding, passing other cars, and failed to stop at a stop sign. The citation lists violations for speeding CVC 22350 (a); unsafe lane change CVC 21750 (a); and another violation for unsafe lane change CVC 21750 (a). One witness did not know why the complainant was stopped. There were no other witnesses as to the complainant's driving. There is insufficient evidence to prove or disprove the allegation

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SUMMARY OF ALLEGATIONS #3-5: The officers displayed their firearms at the scene without justification.

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

FINDINGS OF FACT: The complainant stated that many officers drew their weapons during the traffic stop. Sergeant Reid articulated that the complainant jumped out of the van when he pulled over, was not complying, and had been driving erratically. One officer believed she had her weapon out because the van had no windows and they did not know if there could be a possible threat inside the van. Another officer did not recall if he did or did not have his weapon out but recalls that there was something different about this incident either with the van or the complainant but could not recall. Two other Officers arrived later and did not see any weapons during this incident. There are inconsistent statements between the complainant's version and the sergeant as to when the complainant stepped out of the van. There is insufficient evidence to determine that having drawn weapons was unjustified

SUMMARY OF ALLEGATIONS #6: The officer exhibited inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the Sergeant was rude and made a comment to insult the other officer's intelligence. Sergeant denied the allegation. The witnesses stated they did not hear the conversation between the complainant and sergeant. One witness did not respond for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 01/29/10 **DATE OF COMPLETION:** 12/30/10 **PAGE #3 of 6**

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

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

FINDINGS OF FACT: The complainant stated he was asked to step out of the van and he was handcuffed immediately. Sergeant stated the complainant was handcuffed for refusing to sign the citation. The witnesses did not see the entire incident and do not recall. The other officers stated the complainant was handcuffed for refusal to sign the citation. The complainant and sergeant's version of when he was handcuffed are different. The witnesses stated they did not hear the conversation between the complainant and sergeant. One witness did not see when the complainant was taken into custody. One witness did not respond for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the complainant was handcuffed without justification.

SUMMARY OF ALLEGATIONS #8: The officer used force during the incident.

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

FINDINGS OF FACT: The complainant stated the sergeant pushed his arm and almost broke it when he was forced to sign the citation at the scene. Later the complainant elaborated that because he partly signed the citation the officer twisted his arm and handcuffed him and was transported. The sergeant did not recall handcuffing the complainant or using force however he stated because the complainant was non-compliant a bent wrist technique may have been used. One witness saw one officer push a Hispanic male against the car. This witness only viewed parts of the incident at different times. The other officers did not recall handcuffing the complainant. The complainant then changed his statement from pushing his arm and almost breaking it to twisting his arm. One witness did not respond for an interview. There were no other witnesses. There is insufficient evidence to prove the amount of force used to handcuff the complainant was unnecessary.

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DATE OF COMPLAINT: 01/29/10 **DATE OF COMPLETION:** 12/30/10 **PAGE #4** of 6

SUMMARY OF ALLEGATION #9: The officer failed to state the reason(s) for the detention.

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

FINDINGS OF FACT: The complainant stated he and passenger were told to step out of van. The complainant said he was handcuffed and placed in a patrol and not told why he was stopped and was not explained the Notice to Appear. Sergeant denied the allegation. The officers stated they heard the complainant was arguing with the sergeant but did not know what they were saying. The witnesses did not hear the conversation between the complainant and the sergeant. One witness did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that one witness told him the officer looked inside his van. The sergeant stated the complainant's van was searched to try to figure out what was going-on, why the complainant was driving like a maniac, to make sure there were no more people inside the van, and to make sure there were no weapons readily available. Another officer corroborated the officer's reason for the visual search. Per case law officers are permitted to search (visual search) vehicles for officer safety reasons .

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DATE OF COMPLAINT: 01/29/10 **DATE OF COMPLETION:** 12/30/10 **PAGE #5** of 6

SUMMARY OF ALLEGATION #11: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant stated that he and passenger could not understand what the officers were yelling especially when English is spoken rapidly. The complainant stated he did not ask for a Spanish-speaking officer and did not tell the officers he did not understand because he was afraid because of the drawn weapons. The sergeant said he understood what the complainant was saying and the complainant appeared to be hearing what he was saying but was just not complying. The sergeant described the beginning of the incident as a safety exigency. The evidence indicates that the later communication problem between the complainant and sergeant concerned the complainant having a copy of his license in his wallet and not caused by a Spanish-English language problem. The evidence is inconclusive.

SUMMARY OF ALLEGATION #12: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that one witness told him the officer looked inside his van. The sergeant stated the complainant's van was searched to try to figure out what was going-on, why the complainant was driving like a maniac, to make sure there were no more people inside the van, and to make sure there were no weapons readily available. Another officer corroborated the officer's reason for the visual search. Per case law officers are permitted to search (visual search) vehicles for officer safety reasons .

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DATE OF COMPLAINT: 01/29/10 **DATE OF COMPLETION:** 12/30/10 **PAGE #**6 of 6

OCC ADDED ALLEGATIONS:

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

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

FINDINGS OF FACT: The CAD did not show an E585 entry and there were no hand written entries. The sergeant stated he has no explanation for not having an E585 in CAD or database. The CAD indicates the sergeant had immediate access to an MDT and his unit history shows he made two traffic stops including this incident. The Technology Division E585 report for the same date shows the sergeant made one entry for the incident prior to this incident, which was made on MDT, M153. Therefore it is more likely that not that the sergeant did not make an entry for this incident as required per DB 08-268.

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

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

FINDINGS OF FACT: The complainant stated he was issued two citations during this incident. The complainant stated that at the station the sergeant threw out the first citation and issued him another one, which did not have a violation for an expired license. The sergeant stated he may have thrown out the citation or submitted it as void but was not sure which one he did. SFPD Legal had no documents responsive to a request for a voided citation or Dismissal Request. SFPD subject matter expert stated DGO 9.05 has been functionally obsolete with regard to “voided” citations for years. There are no “Officer’s Daily Citation Reports” and no one collects or stores “voided” citations. Incomplete citations are merely discarded “99% of the time.” Completed citations that have gone into the court system are still subject to the provisions requiring a Dismissal Request (SFPD 256.) There is no evidence that the citation in question was completed or submitted to the court, so no Dismissal Request was necessary.