

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/10 **DATE OF COMPLETION:** 01/19/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officers conducted a traffic stop without justification. The officers stated they effected a traffic stop on the complainant for failure to stop at a stop sign. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer issued a citation without cause. The officer stated he issued a citation to the complainant for the failure to stop at a stop sign. There were 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 ALLEGATIONS #4: The officer searched the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officer searched him without justification. The officer stated once he pulled the complainant over, he ran a query search on the complainant's name. The query search came back with a danger potential and previous convictions for weapons charges. The officer stated he searched the complainant for officer safety. There were no independent witnesses to this incident. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer searched his vehicle without justification. The officer admitted to searching the complainant's vehicle, based on the fact that a query search of the complainant revealed prior weapons convictions. Under California case law an officer may conduct a limited search for weapons where circumstances justify it. There were no independent witnesses to this incident. 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 #1-6: The officers used excessive force.

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

FINDINGS OF FACT: The complainant and co-complainant stated officers used excessive force against the arrestee including punching the arrestee in the stomach before and after he was handcuffed. The complainant stated the arrestee was physically resisting the officer's efforts to control him and screaming at the officers as he attempted to flee from them. The officers denied using excessive force and denied punching the subject in the stomach. Initial officers on scene said they attempted to grab the arrestee's wrists but he resisted and pulled away from them. One of the officers used a hammer fist and perennial strike on the arrestee's back area and shoulder areas to overcome his physical resistance. Other officers arrived and held the arrestee legs, chest, and arms to prevent further kicking and strikes from him. The officers used a hobble restraint on the arrestee to secure the arrestee's legs in order to stop him from kicking the officers. A witness observed officers order the arrestee to stop fighting, but he continued to fight, resist, and flee from them. A witness said an officer "kind of punched" the arrestee in the stomach to get him to the ground but the witness could not identify the officer. Two officers sustained minor injuries during the incident when the arrestee either struck or kicked them. Multiple officers stated the arrestee was under the influence of alcohol when this occurred and could not be calmed down despite having the arrestee's mother speak to him in an attempt to calm him. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers had arrested two suspects and were driving away with the prisoners, who were in the rear seat of the patrol car, when the complainant appeared. The complainant, upset by the incident, was running alongside the patrol car. He alleged the officers were mistreating one of the prisoners (his relative), and the complainant directed profanity at the officers. The complainant said he knocked on the trunk and window gesturing to get the attention of his relative. The complainant wanted the relative to call him from the station in order to verify the relative's wellbeing. The officers stopped the patrol car, got out and approached the complainant. The officers said the complainant, while running alongside the patrol car, was reaching for something underneath his waistband, which they believed was a firearm. The officers therefore intended to detain and search the complainant. The officers said the complainant, however, resisted their efforts. Consequently, they had to subdue and arrest him. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer used unnecessary force during the detention of the complainant.

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

FINDINGS OF FACT: The complainant said the officer struck him in the eye, causing serious injury, while the complainant was already handcuffed and getting off the ground. The complainant was later admitted to a hospital. Witnesses, who knew the complainant, said the officer kicked the complainant in the face. The complainant's medical records relating to this incident were obtained, and a medical expert was requested to examine them. Although the medical expert could not be specific, the expert concluded the complainant's injury was caused by blunt force trauma to the eye socket by an object similar to a fist or the front end of a shoe. The officer denied striking or kicking the complainant. The officer said another officer assisted in subduing the complainant, who violently resisted the efforts of both officers. The officer's partner also denied striking or kicking the complainant. After both officers subdued the complainant and stood him on his feet, the officers saw the complainant had an abrasion under his eye. The officers conjectured the abrasion was the result of their efforts in subduing the complainant. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATIONS #4-5: The officers failed to provide timely medical treatment.

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

FINDINGS OF FACT: The complainant alleged he repeatedly requested medical treatment after officers arrested him, but the officers ignored his request and his eye injury continued to worsen. A relative of the complainant, who was arrested during the same incident, alleged he (the relative) also requested medical assistance for the complainant, but the officers ignored his requests too. After the complainant was handcuffed to the bench in a holding cell at the police station for approximately four hours, police called paramedics who evaluated the complainant. Paramedics told officers the complainant had to be seen by a physician immediately, or the complainant was in danger of losing eyesight in the eye. The officers denied ever ignoring or refusing any request for medical treatment from the complainant or anyone else. The officers stated they asked the complainant if he needed medical treatment at the time he was first arrested, but the complainant refused. Additionally, the officers stated the station keeper was responsible for requesting medical treatment once the complainant entered the holding cell at the District Station. The officers indicated approximately four hours elapsed until the time the complainant first requested medical treatment, and the officers requested medical assistance immediately. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to provide timely medical attention.

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

FINDINGS OF FACT: The officer has retired and was therefore unavailable for an interview.

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SUMMARY OF ALLEGATION #7: The officer failed to accurately document injuries.

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

FINDINGS OF FACT: The officer has retired and was therefore unavailable for an interview.

SUMMARY OF ALLEGATIONS #8-9: The officers wrote an inaccurate/incomplete incident report.

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

FINDINGS OF FACT: The complainant and witnesses, who knew the complainant, stated the complainant was compliant when the officers approached him; yet, the officers used unnecessary force to subdue him. The officers said the complainant was non-compliant with their commands. Furthermore, the officers described the complainant's violent efforts in resisting detention, and the officers described their attempts in subduing him. The officers indicated the incident report accurately describes the complainant's actions and their efforts in arresting him. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATIONS #1- 2: The officers misrepresented the truth.

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

FINDINGS OF FACT: Based on the finding that one of the officers used unnecessary force in arresting the complainant, it was deemed the officer and the officer's partner, who participated in the arrest of the complainant and wrote the Incident Report, misrepresented the truth concerning the complainant's injury. Both officers stated they had to subdue the complainant and that the complainant was handcuffed on the ground, but neither officer acknowledged any direct striking – accidental or intentional – of the complainant. The officers were each given every opportunity to explain how the complainant could have suffered the eye fracture, but neither could account for how it happened, other than the fact they had to subdue the complainant on the ground. 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 OCC ADDED ALLEGATION #3: The officer failed to take the required action.

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

FINDINGS OF FACT: Based on the finding that one of the officers who responded to this incident used unnecessary force on the complainant, it was deemed the named officer in this allegation failed to conduct the required investigation. The named officer who responded to this incident said none of the onlookers, who had gathered, raised any allegation of police misconduct. The named officer deemed these onlookers hostile and the scene unsafe for all of the responding officers. The named officer directed all of the responding officers to leave the scene. After the suspects were secured and transported to the police station, the named officer concluded that no Use of Force investigation was warranted. The named officer determined the other officers' physical control of the complainant was justified and made an entry into the station's Use of Force Logbook. Witnesses did not indicate the named officer refused to investigate allegations of unnecessary force. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant denied committing the violation. The officer did not recall the incident. There were no identified witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer behaved rudely. The officer did not recall the incident but said the behavior alleged by the complainant is inconsistent with how he handles himself during traffic stops. There were no identified witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant said the officer used a profane word during the detention. The officer did not recall the incident but denied using profanity or the word alleged. There were no identified witnesses. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

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: The SFPD Legal Division reported that they were unable to locate evidence that the E585 data had been entered for this traffic stop. The officer did not recall the incident. The officer was on a motorcycle during the watch in question. The officer admitted that the traffic stop required entering the E585 data into the system. The officer could not account for why there is no evidence of E585 data having been entered. The Department Traffic Stop Data Collection Program requires that officers enter the required E585 data into the system for all cases involving E585 traffic stops. A preponderance of the evidence proved that the officer failed to take the required action.

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SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to comply with Department General Order 1.03.

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

FINDINGS OF FACT: The officer did not recall the incident. A review of his Unit History documents no entry for the traffic stop in this incident nor documentation of any of the officers duties for the day save six entries in a ten hours shift, two of which were for entries when the officer logged in and logged out. The officer could not account for the lack of documentation on the Unit History. Department General Order 1.03 requires that officers “remain in constant radio contact, except in case of emergency, detail or assignment” and “Notify the Communications Division when an on view incident...” (I.A.1.a. and b.) A preponderance of the evidence proved that the officer violated DGO 1.03.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-3: The officers failed to properly identify themselves.

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

FINDINGS OF FACT: The complainant said the officers, who were not dressed in standard police uniforms, executed a search warrant at her residence. The complainant said the officers knocked on the door and entered the residence without the complainant inviting them inside. The officers had previously obtained court-approved search and arrest warrants. The officers said they performed the standard knock and announce procedure. The officers said it is a routine procedure for them to knock on the door and announce, "police!" The officers said it is also standard practice for them to announce the purpose of their contact, which in this case was the execution of a "search warrant!" The tactical gear of these officers prominently displayed they were the police. Additionally, a member of the investigative team who subsequently followed the entry team inside the residence said he displayed his badge and credentials to the complainant. This officer also said he explained the purpose of the police action to the complainant and provided her copies of the warrants. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant described damages to her residence as a result of the officers executing a search warrant. The officers acknowledged that damage was done to the residence, but said it was not done intentionally. The officers explained the most extensive damage was done because they had to force an entry door open, since another occupant did not answer the door to his section of the residence in a timely manner. The officers also had to forcefully open a locked closet door. The officers indicated they had to enter and clear the residence quickly for reasons of officer safety and to prevent the destruction of evidence. Other minor damage was done because of authorized procedures used to clear the residence. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer failed to secure property.

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

FINDINGS OF FACT: The complainant produced a fully loaded ammunition magazine to a firearm, which she found lying on a floor inside her residence. She indicated the officer was careless in losing this magazine, which he said the officer acknowledged the magazine belonged to him. He said he discovered it missing shortly after the incident involving the complainant, but thought he had misplaced the magazine somewhere else. He said he attempted to find it, but could not. 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 #8: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant indicated she did not receive any documents concerning her being forced to remain inside her residence for several hours until officers completed searching her residence. The officer said he explained to the complainant the purpose of the police action, and said the complainant was free to leave at any time. The officer said the complainant voluntarily chose to stay inside her residence while other officers searched the residence for evidence of a crime. Consequently, the officer argued, no Certificate of Release was required. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #9-10: The officers used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant said she is elderly and the officers forced her to kneel on the concrete porch of her residence while the officers executed a search warrant. None of the officers who were interviewed said they forced the complainant to kneel or saw the complainant kneeling. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant produced a fully loaded ammunition magazine to a firearm, which she found lying on a floor inside her residence. The officer acknowledged losing the magazine. He said he discovered it missing shortly after the incident involving the complainant, but thought he had misplaced the magazine somewhere else. He said he attempted to find the magazine, but could not. He subsequently prepared a memo documenting the loss, and forwarded this memo to his supervisor. 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 failed to take required action.

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

FINDINGS OF FACT: The complainant alleged the officers failed to arrest several individuals who allegedly assaulted him. The complainant sat inside the officers' car and pointed out the alleged suspect vehicle containing his alleged assailants. The officers contacted the occupants inside the car. The officers denied the allegation. They stated that they stopped the car described to them by the complainant and contacted the occupants inside. The officers began their investigation and did not find any evidence to further detain or arrest them. The officers sought amplifying information from the complainant and returned to their vehicle. When the officers returned to their vehicle, the complainant was having a medical emergency. The officers summoned an ambulance and the complainant was transported to a local hospital. The alleged suspect vehicle was released. No available witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate and/or incomplete incident report.

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

FINDINGS OF FACT: The complainant said the officer's report failed to name all of the suspects in an alleged attack on him. The complainant stated he provided four suspect names to the reporting officer. The officer denied the allegation. No available witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #4: This complaint raises matters outside OCC's jurisdiction.

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

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

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

SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant called 911 to report he was being assaulted. The audio of the call for service revealed the reporting party's primary language was not English. Six minutes into the call, the dispatcher summoned an interpreter to speak with the complainant. The dispatcher sent police to the scene but did not inform the responding officers that an interpreter was used on the call. When the officers responded to the scene, they spoke to the complainant in English and he communicated with them in English. There appeared to be no language barrier at the scene and the officers stated they had no indication that the complainant could not speak English. The officers found the complainant to be in an altered mental state during the course of their investigation and had the complainant transported from the scene in an ambulance. There was insufficient evidence to prove or disprove that the officers failed to comply with DGO 5.20 regarding language access.

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

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

FINDINGS OF FACT: The complainant alleged that the officer refused to write a report regarding his stolen debit card. The officer denied the allegation. The officer stated he offered to take a report but the complainant responded that he already had the theft reported. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged that the officers arrested him without cause. The evidence shows that a criminal complaint was made wherein a Citizen's Arrest form was signed against the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #4: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately by not taking his report. The complainant said the officer prevented him from talking to other officers at the scene and filing a report with them. The officer denied the allegation. The officer further stated that no other officer responded to the scene except him. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that the police entered and searched her residence without any legitimate reason because the person they were looking for no longer resided in the apartment. The officer in charge of the warrant execution stated that he personally viewed the warrant with the complainant's residence information and that the warrant was properly signed by the Superior Court judge. The officer, who prepared the warrant, stated that he verified the subject's residence information through the Department of Motor Vehicle database and the records of the San Francisco Adult Probation Department. The document obtained by the Office of Citizen Complaints from the San Francisco Adult Probation Department corroborated this statement. The evidence showed that the acts, which served as a basis for the allegation occurred; however, these acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #3: The officers damaged the complainant's property without justification.

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

FINDINGS OF FACT: The complainant stated that the police kicked in her front door during the execution of a search warrant. The Office of Citizen Complaints established that the officers involved in the warrant execution had probable cause to believe that the warrant subject resided at this address. The officer in charge of this police operation stated that he authorized the forced entry into the complainant's residence after knocking on the door and announcing the police presence and waiting a reasonable amount of time for the occupants to respond. In her Office of Citizen Complaints statement, the complainant acknowledged that she heard the banging on her entrance door and the "police" announcement but she was in her bedroom and getting dressed at the time, which prevented her from getting to the door faster. A preponderance of the evidence proved that the acts, which served as a basis for the allegation occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #4: The officer pointed her weapon on the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that a female officer pointed a weapon at her during the execution of the search warrant. The named member stated that she and all other involved officers had their weapons drawn upon entry into the residence because of the serious nature of the warrant (murder, gang and gun related). The named member also acknowledged pointing her gun at the complainant at the time of the police entry into the residence because, at the time, the complainant kept walking towards the officer and did not comply with the commands to stop and to get down on the ground. Given the nature of the warrant and the surrounding circumstances, it was reasonable for the officers to point their weapons on the adult residents of the house during the entry and the protective sweep. The available evidence proved that the acts, which served as a basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #5: The officer pointed a weapon at the complainant's 3 year-old daughter.

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

FINDINGS OF FACT: The complainant stated that the officers had no reason to point their weapons at her 3 year-old daughter. The complainant could not provide sufficient identifying information concerning the officer(s) who engaged in this misconduct. Two San Francisco Police Department members involved in this incident acknowledged having their guns drawn at the time of the entry into the residence but did not recall pointing them at the complainant's children. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer used excessive force against the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer threw her to the ground in a manner that caused injury to her shoulder. The named member denied using excessive force during the incident and stated that she applied only the San Francisco Police Department Academy taught technique (bar arm take-down) and that the complainant had no complaints of pain or visible injuries at the time. The officer in charge of the warrant execution at the complainant's residence, supported this statement. The relevant medical records obtained by the Office of Citizen Complaints showed that the complainant indeed registered a complaint at the San Francisco General Hospital regarding pain in her shoulder but the records noted no bone fracture or shoulder dislocation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officer she spoke to at the station did not take her complaint but sent her to the San Francisco Police Department headquarters at the Hall of Justice. The statements from the complainant and the officers involved in the preparation and execution of the search warrant at her residence were inconclusive and failed to disclose sufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer(s) harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that several hours after the police had executed a search warrant at her residence, two other San Francisco Police Department officers came to her apartment and queried her about the warrant's subject, which the complainant felt represented "harassment." The statements from the complainant and from three San Francisco Police Department members involved in the preparation and execution of the search warrant at her residence regarding this aspect of the occurrence were inconclusive to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer detained the complainant for an involuntary psychiatric evaluation.

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

FINDINGS OF FACT: The complainant stated that the officer had no legitimate reason to detain him for an involuntary psychiatric evaluation. The officer stated that his observations regarding the complainant's behavior coupled with the statements from witnesses indicated that, as a result of mental illness, the complainant presented a danger to himself and/or others and needed to be evaluated by the medical staff at the PES SFGH. The evidence developed by the OCC supported the officers assessment. The evidence showed that the acts, which served the basis for the allegation occurred; however, such acts were justified reasonable and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer searched him without any legitimate reason, going into the complainant's pockets before transferring him to the PES SFGH personnel. The officer acknowledged only patting the complainant down for weapons prior to transporting the complainant to PES at SFGH. The officer's actions were appropriate and in accordance with department policies and procedures.

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

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

FINDINGS OF FACT: The complainant stated that the officer pushed him into the patrol car without any reason. The complainant could not say who, out of several officers at the scene, pushed him. The arresting officer denied pushing the complainant at any time. No other witnesses came forward. The available evidence was inconclusive and insufficient to either identify the officer responsible for the alleged misconduct or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to properly investigate the incident due to bias.

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

FINDINGS OF FACT: The complainant stated that the officer possibly had a bias against him. The named member denied the allegation. No other witnesses came forward. The available evidence (in the form of the complainant's statements to the OCC) showed that the acts, which served as a basis for the allegation did not occur.

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SUMMARY OF ALLEGATION #5: The officer failed to comply with the DGO 5.20.

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

FINDINGS OF FACT: The complainant stated that he requested a Russian-speaking interpreter, but the arresting officer ignored his request. The named member stated that the complainant never requested an interpreter during the incident. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that his personal property was not returned to him after the incident. The named member stated that no personal property was removed from the complainant during the incident. No other witnesses came forward. The available evidence was inconclusive to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that the officer yelled at him during the incident. The named member denied acting in the alleged manner. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated officers arrested him sometime in April of 2009. The OCC was unable to locate any Department records indicating the complainant had any SFPD police contact in April 2009. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The complainant alleged an officer threatened him.

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

FINDINGS OF FACT: The complainant stated an officer threatened to kill him as he rode in a police car sometime in April of 2009. The OCC was unable to locate any Department records indicating the complainant had any SFPD police contact in April 2009. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer used a racial slur.

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

FINDINGS OF FACT: The complainant stated an officer called him “nigger.” The complainant stated the officer was ranting at him as he drove by him in a police car. The OCC was unable to locate any Department records indicating the complainant had any SFPD police contact in April 2009. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated an officer used unnecessary force on him while he was in custody sometime in April 2009. The OCC was unable to locate any Department records indicating the complainant had any SFPD police contact in April 2009. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant said he was arrested sometime in April 2009. He said an officer failed to properly process a piece of his jewelry. The OCC was unable to locate any Department records indicating the complainant had any SFPD police contact in April 2009. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer used profanity

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

FINDINGS OF FACT: The complainant said he was arrested sometime in April 2009. He said an officer used profanity while addressing him. The OCC was unable to locate any Department records indicating the complainant had any SFPD police contact in April 2009. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The complainant stated the officer threatened to kill him.

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

FINDINGS OF FACT: The complainant alleged the officer threatened to kill him if he returned to a particular neighborhood. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The complainant stated the officer used a racial slur.

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

FINDINGS OF FACT: The complainant alleged that an officer called him a racially derisive name. All of the officers who had contact with the complainant during his arrest were interviewed. They denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged a white male officer punched him in his right orbital area, below the eye. The evidence indicated the complainant had a bruise above his left eye in the area of the zygomatic arch, not his right eye. The evidence further indicated there was no trauma or treatment to the complainant for impact to his right orbital area. Medical evidence indicated that the complainant said he was experiencing chest pain while he was in custody and did not complain of pain to either of his eyes while he was in custody or in the ambulance. He then told the officers they could "5150" him, claiming he could not care for himself. The officer denied the allegation. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated officers have harassed him by contacting him for "no reason" and he fears for his life. The officers known to have contact with the complainant denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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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 and co-complainant stated the officer was not cooperative and refused to assist them. One complainant stated there were no witnesses at the station when the co-complainant had contact with the officer. The complainant said the co-complainant was present for the phone conversation, but admitted the co-complainant is a Limited English Proficient (LEP) speaker. The officer denied the allegation and did not recall the incident with the complainant and co-complainant. The officer said he was busy with a counter report from another person that came into the station near the time of the complaint. There were no other witnesses during the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the co-complainant went to the police station to drop off the complainant's son to his legal guardian. The complainant said the co-complainant asked the officer at the station to sign her court declaration regarding the child custody exchange, but he refused. The officer denied the allegation and did not recall the incident. The officer said he was busy with a counter report from another person that came into the station around the time of the complaint. There were no witnesses at the station when the co-complainant made contact with the officer. 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 failed to take an OCC complaint.

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

FINDINGS OF FACT: The complainant said he called the station and the officer answered the call. The co-complainant told the complainant the officer on the phone was the officer she encountered while at the station earlier. The complainant stated he requested an OCC complaint be filed against the officer, but the officer refused to take it over the phone. The complainant stated the officer advised him to come in person to file an OCC complaint. The officer denied the allegation and said he did not recall the incident. Complainant said co-complainant was present for the phone conversation but admitted she is a Limited English Proficient (LEP) speaker and did not hear him ask the officer to file a complaint. There were no other witnesses for this phone contact by the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with Department General Order (DGO) 5.20.

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

FINDINGS OF FACT: The co-complainant stated she requested a Mandarin or Cantonese-speaking interpreter while at the station. The co-complainant said the officer refused to provide her language access services. The complainant stated there were no witnesses at the station. The officer denied the allegation and said he did not recall having any contact with the co-complainant while working at the station. There were no witnesses at the time of the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that the officer cited him without cause. The officer and his partner stated they both observed the complainant driving while speaking on his cellular phone, a violation of state law. The named officer stated that the complainant's vehicle windows were illegally tinted as determined by a tint card that he used to measure the tint on the vehicle and which was found to be in violation of state law. No witnesses were identified by either the complainant or the officers in this matter. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. The named officer's partner stated he did not hear or observe the named officer make inappropriate comments or act inappropriately. No witnesses were identified by either the complainant or the officer in this matter, There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was stopped and cited because of his race and the type of car he was driving. The officer denied the allegation and stated that he and his partner both observed the complainant speaking on a cell phone while driving and stopped him for that violation. The officer said that neither race nor the type of vehicle the complainant was driving were a factor in this traffic stop. The officer's partner corroborated the named officers statement. No witnesses were identified by either the complainant or the officers. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said he was assaulted and reported it to the police. The complainant said the named officers failed to properly investigate the incident in question. The named officers denied the allegation and said that the incident was adequately investigated. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to take required actions.

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

FINDINGS OF FACT: The complainant said the officers did not arrest his assailant and did not document the incident in an incident report. The named officers said complainant never requested a citizen's arrest and never asked to document the incident in an incident report. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-6: The officers engaged in biased policing.

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

FINDINGS OF FACT: The complainant said the officers did not properly handle the incident only because he was Russian but could not articulate any factual basis for his allegation. The named officers denied that the complainant's ethnicity played any role in their handling of the incident. No other witnesses came forward. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged. It should be noted that the complainant has a history of raising this allegation without providing any factual basis for making such claim.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1 - 5: The officers detained the suspect without justification.

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

FINDINGS OF FACT: The complainants alleged that plain-clothes officers detained and arrested a suspect for no valid reason. The officers stated they were conducting an undercover illegal drug operation by which the suspect illegally sold an undercover officer a certain quantity of pills requiring an authorized prescription from a licensed physician. Upon the completion of the drug sale to the undercover officer, other officers arrived and arrested the suspect. No independent witnesses were developed to corroborate the complainants' allegations. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6 - 9: The officers used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainants alleged that plain-clothes officers used brutal force on a suspect by shoving objects into the mouth and ears of the suspect. One of the complainants also stated the officers strongly slammed the suspect's head into the concrete several times. The officers stated the suspect fled after officers informed the suspect that he was under arrest for an illegal drug sale. The officers caught the suspect and described the suspect as violently resisting arrest. The officers said the suspect was a very large man, larger than any of the arresting officers. The officers said the suspect refused to relinquish evidence of the illegal drug sale, which the suspect was chewing and attempting to swallow. The officers attempted to get the evidence out of the suspect's mouth by implementing a Department-approved pain-inducing technique, but the officers were unsuccessful. The officers denied slamming the suspect's head into the pavement. No independent witnesses were developed to corroborate the complainants' allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he requested a police report from the officer. The officer stated he only spoke to the desk clerk and she did not request a report. The CAD indicates the complainant told the dispatcher he wanted a report however, the dispatcher told him he had to speak to the officer. The CAD audio does not document that the suspect made terrorist threats to the complainant or had physical contact with the complainant. Another witness did not respond to the OCC request for an interview. The desk clerk stated she vaguely recalled the incident and stated she did not request a police report. There were no witnesses to the complainant's interaction with the officer other than the witness who did not respond. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1: The officer used force at the scene.

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

FINDINGS OF FACT: The complainant stated the officer grabbed her arms too hard and were hurting. The officer stated the complainant tried to pull away so he had to use physical control so the complainant could not break his grasp. One witness said the officer was aggressive in the manner in which he grabbed the complainant given her size and the officer's size. The other witnesses did not respond for an interview. There is insufficient evidence to prove or disprove that the amount of force used was excessive or necessary in order to accomplish taking the complainant into custody.

SUMMARY OF ALLEGATION # 2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity against her. The officer admitted to using profanity against the complainant. The officer violated DGO 2.01 Rule 14. Public Courtesy.

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SUMMARY OF ALLEGATIONS #1-2: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant alleged that the officers entered his residence without cause. The officers said that they entered the complainant's residence to exercise a warrantless search condition of the complainant's son. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant, who was not present during the search, alleged that his room and his son's room were searched. The complainant's son, who was present during the search, said that the officers searched his father's residence for 15-20 minutes before his father arrived at the residence. The officers who entered the complainant's residence denied the alleged search but said that a protective sweep was conducted, visually checking all the rooms for officer safety. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1 & 2: The officers arrested the suspect without cause.

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

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

SUMMARY OF ALLEGATIONS #3 & 4: The officers handcuffed the suspect without justification.

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

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

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SUMMARY OF ALLEGATIONS #5 & 6: The officers applied the handcuffs too tightly.

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

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

SUMMARY OF ALLEGATIONS #7 & 8: The officers used unnecessary force during the arrest.

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

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

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SUMMARY OF ALLEGATIONS #9 & 10: The officers displayed threatening behavior and made inappropriate comments.

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

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

SUMMARY OF ALLEGATIONS #11 & 12: The officers failed to loosen the tight handcuffs.

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

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

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SUMMARY OF ALLEGATIONS #13 & 14: The officers illegally seized and destroyed property.

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

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

SUMMARY OF ALLEGATIONS #15 & 16: The officers harassed the suspect.

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

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

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

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

FINDINGS OF FACT: The complainant stated the officer displayed inappropriate and threatening behavior during this incident. The officer denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer arrested him without cause. The officer stated the complainant threatened him. The complainant admitted to threatening the officer. 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 #3-5: The officers used excessive force.

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

FINDINGS OF FACT: The complainant stated the officers used excessive force, including choking him and pushing him against a MUNI bus door. The officers denied the allegation. The MUNI video footage did not support the complainant's claim of force. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated the officer searched him without justification. The officer searched the complainant because he was under arrest for making terrorist threats and the search was necessary for officer safety and pursuant to Department policies and procedures. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer handcuffed him without justification. The officer handcuffed the complainant because he was under arrest for making terrorist threats and the handcuffing was necessary for officer safety and pursuant to Department policies and procedures. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #8: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated the officer interfered with the rights of onlookers. The officer denied the allegation. There were 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 practiced biased policing due to an interracial couple.

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

FINDINGS OF FACT: The co-complainant stated she felt her son, the complainant, was detained and arrested because he was involved in an interracial relationship. The officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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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 complainant was detained at gunpoint. The officer and his partner stated they responded to a call about the complainant trying to break into the house. While responding to the scene, the officers were made aware that the complainant had a history of possession of firearms, a propensity for violence including being a barricaded suspect, and were concerned he would harm his mother and sister. Three witnesses confirmed the complainant's violent history with family members. The witnesses also confirmed the complainant attempted to break into the house while his sister refused to let him in. The witnesses further corroborated the complainant resisted the officer's verbal commands to get down on the ground. The preponderance of the evidence established the officer had justifiable cause to draw his firearm to gain compliance from the complainant and avoid possible infliction of great bodily injury to the complainant's relatives or to the officers. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #2: The officer used profane language.

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

FINDINGS OF FACT: The complainant alleged the officer yelled a profanity while ordering him to get down on the ground. The officer and his partner denied the allegation. Three witnesses on scene recalled the officers yelling at the complainant to get on the ground, but denied the allegation. The evidence proves that the acts alleged did not occur.

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DATE OF COMPLAINT: 03/26/10 **DATE OF COMPLETION:** 01/20/11 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #3: The officer's behavior and comments were due to personal bias.

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

FINDINGS OF FACT: The complainant stated the officer was personally biased against him due to a prior incident in which he was arrested for an outstanding warrant. The officer denied the allegation but recalled a previous response in which the complainant was arrested for an out of county outstanding warrant. Two witnesses heard the complainant threaten to sue the officers, but denied the officer engaged in comments attributed to him by the complainant or that the officer made any inappropriate remarks directed toward the complainant. A third witness could not verify or deny the allegation. The evidence proves that the acts alleged did not occur.

SUMMARY OF ALLEGATION #4: The officer used excessive force during the arrest.

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

FINDINGS OF FACT: The complainant said the officer excessively pulled his right arm up behind his back and pushed him. The complainant also alleged that once in custody, the officer picked him up twice by the handcuffs and slammed him against the concrete sidewalk. The officer denied the allegation and stated that any bruise to the complainant's wrists or abrasion to his face could have been caused by the resistance offered by the complainant. The officer's partner corroborated the complainant resisted his arrest. Medical evidence indicated the complainant sustained a contusion to his neck; however, the complainant also stated he was struck in the face during a fight inside another County Jail days before this incident. A witness on scene corroborated the complainant resisted the arrest and denied the officer used excessive force after he was in custody. There is insufficient evidence to either completely prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he had the right to enter his residence and denied that he caused any property damage or resisted arrest. Records of two 911 calls from the complainant's sister and a neighbor document that the complainant tried to kick in the front door to gain entry and that the two women inside the residence feared for their safety if the complainant came back into the residence. The named officer and his partner stated the complainant was arrested for resisting arrest and was subsequently detained for psychiatric evaluation because he posed a danger to others. The complainant has a documented history and a propensity toward violence with household members and responding officers. Three witnesses on scene corroborated the complainant's violent and resistive behavior throughout this contact and several other incidents. Witnesses also stated that the complainant caused property damage when he attempted to break down the door to the residence. The preponderance of the evidence established the complainant was justifiably arrested for resisting arrest and detained further for psychiatric evaluation due to the danger he posed to others. The officer's actions were proper and lawful.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/07/10 **DATE OF COMPLETION:** 01/10/11 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant alleged that the officer detained him without justification. The officer denied the allegation and stated that the complainant failed to stop on a flashing red traffic light. The officer stated the complainant's vehicle had no license plates, and the complainant had no driver's license in his possession. The evidence shows that the complainant's vehicle had no license plates. When asked, the complainant failed to present his driver's license to the officer. In his written complaint, the complainant stated the officer's claim that he ran through a flashing red light was false, and the officer's motive was disingenuous. In his OCC interview, the complainant, however, contradicted his statement by stating that he was not contesting the officer's right to stop his vehicle. No witnesses came forward. The evidence proved that the act, which provided basis for the allegation, occurred. However, such act, was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleged that the officer issued him a citation without cause. The evidence shows that the complainant was cited for failure to stop on a flashing red traffic light, having no license plates on his vehicle, and for having no driver's license in his possession. As discussed above, the evidence shows that the complainant incurred the Traffic code violations. The evidence therefore proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #3: The officer behaved inappropriately and/or made inappropriate comments.

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

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

SUMMARY OF ALLEGATION #4-5: The officers failed to provide their names and star numbers.

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

FINDINGS OF FACT: The complainant alleged that the officers failed to provide their names and star numbers when asked. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed take required action. While being detained, the complainant said he wanted to call his lawyer but the officer refused his request. The officer stated he did not allow the complainant because the complainant was neither under arrest nor being interrogated. A person detained in a traffic stop does not have Constitutional right to a lawyer. The officer's conduct was therefore justified, lawful, and proper.

SUMMARY OF ALLEGATION #7: The officer wrote inaccurate statements in his Traffic Court Response.

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

FINDINGS OF FACT: The complainant alleged that the officer wrote inaccurate statements in his Traffic Court Response. The complainant stated the officer fabricated his remarks to justify his conduct during the traffic stop. The officer denied the allegation. The officer stated that what he wrote in his Traffic Court Response was true and accurate. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer stopped the complainant due to race.

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

FINDINGS OF FACT: The complainant alleged biased policing on the part of the officer. The complainant stated the officer purposely stopped him because of his race. The complainant stated the officer's motives were disingenuous and had nothing to do with the Vehicle Code violations or the citation he received. The officer denied the allegation. The officer stated he stopped the complainant because the complainant failed to stop on a flashing red traffic light. The officer said he only came to know the complainant's race when he walked up to the complainant's vehicle. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer placed him in handcuffs without justification. This officer as well as the other officers that were questioned recalled seeing the complainant in handcuffs but they could not recall who actually put handcuffs on him. The named officer stated the complainant was handcuffed for officer safety reason and for the safety of the complainant because the latter was argumentative, belligerent, and uncooperative during the contact. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer was rude, laughed at her, needed to better control his emotions and temperament and be more professional. The officer denied the allegation. A witness on scene stated he did not hear the complete conversation between the complainant and the officer. Another witness arrived on scene and stated she did not hear the complainant's conversation with the officer. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers followed him, made an inappropriate comment, and harassed him. The officers denied the allegation. A civilian witness stated an opinion that the officers' conduct, "seemed sort of like harassment," but the witness did not describe any actual misconduct. The officers admonished the complainant for not having an airport permit and not having insurance. The officers did not issue a citation because neither had a citation book. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers who responded to the scene denied the allegation. No other witnesses came forward. There was insufficient evidence to identify the officer involved or to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers who responded to the scene denied the allegation, saying the complainant was never detained. No other witnesses came forward. There was insufficient evidence to identify the officer involved or to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The two responding officers denied the allegation, stating that no police action was required or requested. No other witnesses came forward. There was insufficient evidence to identify the officer involved or to either prove, or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to provide his name and star number on request.

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

FINDINGS OF FACT: The two responding officers denied the allegation, stating that they did not recall the complainants asking for their star numbers or that of their partner. No other witnesses came forward. There was insufficient evidence to identify the officer involved or to either prove, or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer improperly detained him for playing loud music on his radio. The complainant said he turned down his radio when requested and that no one else had ever complained. The officer denied detaining the complainant. Department records indicate the officer conducted a records check, which was completed within 13 minutes, the complainant was not handcuffed and the officer stated that the complainant was free to leave the scene but did not do so. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers acted in an inappropriate/intimidating manner and made inappropriate, intimidating comments.

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

FINDINGS OF FACT: The complainant stated he was asked to turn down his loud radio and said this conduct was tolerated in the past. He stated the officers got unnecessarily close to him for no reason, intimidating him by encroaching into his personal space. One of the officers told him he did not like his mouth. Both officers denied the complainants allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #4: The officer used profanity:

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

FINDINGS OF FACT: The complainant stated the officer called him a profane name. 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 ALLEGATIONS #5-6: The officers failed to properly identify themselves.

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

FINDINGS OF FACT: The complainant stated two officers failed to properly identify themselves when asked. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant was properly arrested for violating a restraining order. The officer's conduct was proper.

SUMMARY OF ALLEGATION #2: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: A witness stated that the complainant's vehicle was blocking a driveway. In his OCC interview, the complainant stated he was partially blocking two driveways. The officer stated the complainant's vehicle was towed because it was blocking two driveways. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant stated the officer lied in court when he said the complainant's vehicle was illegally parked. A witness stated that the complainant's vehicle was blocking a driveway. In his OCC interview, the complainant stated he was partially blocking two driveways. Another officer stated the complainant's vehicle was towed because it was blocking two driveways. The complainant's allegation is unfounded.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-4: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant alleged that the officers entered her residence without cause. The evidence shows that the officers were in pursuit of a person who ran away from them and entered the complainant's residence. The evidence shows that the person was on probation with a search condition. The evidence also shows that the complainant was aware of the person's probation status. 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 #4-8: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant alleged that the officers searched her residence without cause. The complainant stated the officers went into every room in her residence. The evidence shows that the officers performed a protective sweep on the complainant's residence. The law allows police officers to conduct protective sweeps within the immediate areas of the person being detained or arrested. The evidence therefore proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #9-12: Detention without justification.

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

FINDINGS OF FACT: The complainant stated that the officers detained in handcuffs all male persons in her residence without justification. The evidence shows that the detention was necessary for officer safety reason and in order for the officers to properly conduct an investigation. 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 #13: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force. The complainant stated the officers pushed her out of the way when the officer entered her residence. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #14: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged that the officer used profanity during the contact. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-3: The officers detained the complainant at gunpoint without justification.

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

FINDINGS OF FACT: The complainant alleged that for no reason, the officers detained him at gunpoint. The officers admitted detaining the complainant but not at gunpoint. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer used a racially derisive comment.

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

FINDINGS OF FACT: The complainant alleged that the officer uttered a racially derisive comment. He stated the officer used the "N-word" during the contact. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer made an inappropriate comment during the contact. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officers placed the complainant in handcuffs.

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

FINDINGS OF FACT: The complainant alleged that the officer placed him in handcuffs without justification. The officer stated he placed the complainant in handcuffs because the complainant was argumentative, loud, and was waving his arms around. The officer stated the handcuffs were for the safety of the officers and the safety of the complainant. In his OCC interview, the complainant admitted moving his hands around that prompted the officer to handcuff him. The evidence shows that the officers responded to a call regarding two males in possession of a handgun. Considering the seriousness of the call, the safety of the officers was of primary concern in this contact. The officer's conduct in placing the complainant in handcuffs was therefore 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 issued a citation without cause.

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

FINDINGS OF FACT: The complainant alleged that the officer issued her a citation without cause. The officer denied the allegation. The officer stated the complainant was double-parked and had expired vehicle registration. During investigation, the complainant failed to respond despite repeated efforts to contact her. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer was racially biased to the complainant.

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

FINDINGS OF FACT: The complainant alleged that the officer was racially biased to her during the contact. The officer denied the allegation. The complainant failed to respond despite repeated efforts to contact her. 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 made threatening and inappropriate comments and/or behavior.

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

FINDINGS OF FACT: The complainant alleged that the officer threatened to arrest her and take away her vehicle. The officer denied the allegation. The complainant failed to respond despite repeated efforts to contact her. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that officers took a bat from her that she was using as a cane, causing her to fall to the floor. The complainant also alleged that officers “snatched” her up from the floor and dragged her out of a hospital. Five officers responding to the incident said they took the bat from the complainant for officer safety, and stated that they did not see or did not recall the complainant falling. A hospital employee stated that the complainant fell when officers ordered her to leave the hospital. Discrepancies existed in the description of the officers provided by the complainant and those officers who acknowledged responding. No other witnesses came forward. There was insufficient evidence to identify the officer involved or to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant alleged that one officer made a derogatory comment. Five responding officers denied that either of them made the alleged comment. Discrepancies existed in the description of the officers provided by the complainant and those officers who acknowledged responding. No other witnesses came forward. There was insufficient evidence to identify the officer involved or to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that a white male officer mistreated her and dragged her out a hospital due to her race. The two white officers who responded denied the allegation. Three witness officers who said they were present denied hearing the comment. Discrepancies existed between the description of the officers provided by the complainant and those officers who responded. No other witnesses came forward. There was insufficient evidence to identify the officer involved or to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer acted and spoke inappropriately.

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

FINDINGS OF FACT: The complainant said a white male officer told her he would drag her out of a hospital if she did not get up and refused to help her into her car. Two white male officers responding denied the allegations and denied either made the comments. Three witness officers who were on the scene denied observing or hearing the alleged actions or comments. Discrepancies existed between the description of the officer provided by the complainant and those officers who responded. No other witnesses came forward. There was insufficient evidence to identify the officer involved or 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 stated that a white male officer refused to help her into her car. Five officers denied that either of them refused to assist the complainant into her car. Discrepancies existed between the description of the officer provided by the complainant and those of the officers who responded. No other witnesses came forward. There was insufficient evidence to identify the officer involved or to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/21/10 **DATE OF COMPLETION:** 01/13/11 **PAGE # 1 of 1**

SUMMARY OF ALLEGATIONS #: 1-2: The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the female officer was aggressive towards her and acted in a discriminatory manner toward her. She also stated a male officer picked up her brassiere with a pencil during another police contact. The named officer denied the allegation. The identity of the male officer was never determined. The information provided by the complainant did not match any dates or officers as alleged in her complaint. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 3-4: The officers engaged in biased policing due to race and/or mental illness.

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

FINDINGS OF FACT: The complainant stated when she calls police she ends up being detained for mental health evaluations and the complainant feels that the police discriminate against her because of her race. The named officer denied the allegation. The information provided by the complainant did not match any dates or officers as alleged in her complaint. Department records were inconclusive in determining which officer had contact with the complainant on the dates identified by the complainant. The complainant has confused many incidents and her accounts of police contacts were not rational. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer failed to take required action by writing a police report.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he responded as back-up and another officer was responsible for taking shoplifting reports that day. One witness officer confirmed that he was the shoplifter officer that day and said he was responsible for and did take a report. Department records and the complainant's statement indicated that the witness officer did take a report.

The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer used profanity in speaking to the complainant.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/10 **DATE OF COMPLETION:** 01/13/11 **PAGE** #2 of 2

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

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

FINDINGS OF FACT: The named officer denied making comments attributed to him and said he did not recall the alleged inappropriate behavior. The one witness officer said he did not hear any conversation between the named officer and the complainant and did not observe the alleged behavior. He said further that the complainant did not describe the named officer's behavior to him. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/10 **DATE OF COMPLETION:** 01/27/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officers spoke to her in an intimidating tone, told her she could be arrested, and yelled at her daughter. The officers denied yelling but did inform the complainant she could be arrested. The complainant's ex-husband stated the complainant is difficult to deal with and has violent tendencies. He added that the complainant was challenging the officers to arrest her and said one officer raised his voice at the complainant. The complainant's daughter did not come forward for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she was handcuffed and placed in a patrol car. The officer stated the complainant was arrested per daughter's request for Section 418 of the Penal Code; however, the daughter changed her mind, so the complainant was released. A witness stated the complainant refused to return her daughter's items and challenged the officers to arrest her. The complainant's daughter did not respond for an interview. The officer completed an Investigative Detention Report with the facts of the case and issued a certificate of release to the complainant. The officers had reasonable suspicion sufficient to justify the detention.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/11/10 **DATE OF COMPLETION:** 01/03/11 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant said she was detained without justification. There is no evidence from the activity of officers in the police district to verify a contact with the complainant. The complainant failed to respond to multiple OCC requests to identify possible officers working on the date and time in question for a positive identification.

SUMMARY OF ALLEGATION #2: The officer searched the complainant's property without cause.

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

FINDINGS OF FACT: The complainant said an officer made a visual search of the inside of her plastic bag when she set it on the ground to talk to the detaining officers. There is no evidence from the activity of officers in the police district to verify a contact with the complainant. The complainant failed to respond to multiple OCC requests to identify possible officers working on the date and time in question for a positive identification.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/11/10 **DATE OF COMPLETION:** 01/03/11 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that she asked the officers for their names and star numbers. The complainant alleged the officers covered their name and star numbers. There is no evidence from the activity of officers in the police district to verify a contact with the complainant. The complainant failed to respond to multiple OCC requests to identify possible officers working on the date and time in question for a positive identification.

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

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

FINDINGS OF FACT: The complainant said that at the end of the alleged detention an officer told her not to go around stealing anything. There is no evidence from the activity of officers in the police district to verify a contact with the complainant. The complainant failed to respond to multiple OCC requests to identify possible officers working on the date and time in question for a positive identification.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/10 **DATE OF COMPLETION:** 01/13/11 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer failed to comply with SFPD Department Bulletin 10-049.

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

FINDINGS OF FACT: The complainant stated the officer was talking on his cellular phone while driving almost causing a traffic accident. The officer did not recall the incident. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/10 **DATE OF COMPLETION:** 01/24/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer failed to detect that her cousin used her identity during a traffic stop. The officer denied the allegation. He stated the complainant's cousin did not present a driver's license, but provided sufficient evidence of identity. He said the complainant's cousin provided a photo identification, with a name and date of birth on it. She further verified the information orally when he reviewed the citation with her. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/13/10 **DATE OF COMPLETION:** 01/21/11 **PAGE** #1 of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 29, 2010.

SUMMARY OF ALLEGATION #3: The officer entered and searched the complainant's residence 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 29, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/13/10 **DATE OF COMPLETION:** 01/21/11 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #4: The officer engaged in inappropriate comments and conduct.

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 29, 2010.

SUMMARY OF ALLEGATION #5: The officer failed to provide the complainant with his name and badge 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 29, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/10 **DATE OF COMPLETION:** 01/24/11 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The officer has separated from the Department and is no longer subject to Department discipline.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/21/10 **DATE OF COMPLETION:** 01/07 /11 **PAGE#** 1 of 1

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

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

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

United States Park Police
1217 Ralston Avenue
San Francisco, CA 94129

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #1-7: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The officers arrested the complainant after the complainant stole marked city funds from an undercover officer participating in a nine-member Robbery Abatement Operation. The complainant also threatened to strike the officer with a hammer. The complainant plead guilty to grand theft. The officers' action was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/10 **DATE OF COMPLETION:** 01/21/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 22, 2010.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/10 **DATE OF COMPLETION:** 01/20/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant told the OCC that he and his friend were riding their bicycles when they came across a police line. The complainant said he asked one of the officers to let him through as he lived nearby, but the officer refused. The complainant said he was talking to this officer when the named officer came from behind the police line and told the complainant to get back. The complainant said he was then pushed to the ground by the named officer for no apparent reason. The complainant said he was not given the opportunity to comply with the named officer's order to get back. The named officer said the complainant was told repeatedly to get back, but the complainant refused. Several witness officers supported the named officer's account of what happened. The complainant's friend did not come forward. No independent witnesses came forward. Video footage aired from social media outlets was reviewed during the course of the investigation and was deemed to be inconclusive. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer behaved in a threatening and intimidating manner.

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

FINDINGS OF FACT: The officer denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation. Refer to findings of fact in allegation # 1.

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DATE OF COMPLAINT: 11/19/10 **DATE OF COMPLETION:** 01/28/11 **PAGE** #1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/16/10 **DATE OF COMPLETION:** 01/20/11 **PAGE #1 of 1**

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO2 **DEPT. ACTION:**

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/17/10 **DATE OF COMPLETION:** 01/07 /11 **PAGE#** 1 of 1

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

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

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

Internal Affairs
California Highway Patrol
455 Eight Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/24/10 **DATE OF COMPLETION:** 01/14/11 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/12/10 **DATE OF COMPLETION:** 01/13/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officers arrested him without a lawful reason. The named members stated that when they responded to the complainant's neighbor's 911 call, they saw the complainant punching this neighbor on the head. According to both officers, the complainant refused to comply with their commands and physically resisted the officers' attempts to place him into custody. In his Office of Citizen Complaints statement, the complainant acknowledged punching his neighbor several times "in self-defense" because the neighbor "took a swing" at him. The complainant's girlfriend told the Office of Citizen Complaints that she witnessed the confrontation but declined to detail what she actually saw. The complainant's neighbor and another potential witness did not respond to the Office of Citizen Complaints requests for the interview. Based on the complainant's admission, the available evidence proved that the acts, which served as a basis for the allegation did occur; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that he was cited without any legitimate reason. The named member stated that he cited the complainant for a battery on his neighbor and resisting arrest based on the responding officers' observations and the citizen's arrest form signed by the neighbor. In his Office of Citizen Complaints statement, the complainant acknowledged hitting this person several times during the confrontation but denied physical resistance to the arrest. The complainant's girlfriend told the Office of Citizen Complaints that she saw the altercation and the arrest but refused to detail her observations. The complainant's neighbor and another potential witness did not respond to the Office of Citizen Complaints requests for an interview. The related police report indeed contained a signed citizen's arrest form against the complainant. The preponderance of the evidence proved that the acts, which served as a basis for the allegation did occur, however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 01/12/10 **DATE OF COMPLETION:** 01/13/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant stated that the officer who wrote the report regarding his arrest unjustifiably accused him of “hitting” and/or “injuring” one of the arresting officers. The named member denied the allegation. Three other officers involved in the incident supported this statement. The report regarding the complainant’s arrest did not contain the wording alleged by the complainant. In his OCC statement, the complainant acknowledged that he personally never read the arrest report but was basing this allegation on the words of his Public Defender and/or his understanding of them. The available evidence proved that the acts that served as the basis of this allegation did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/20/11 **DATE OF COMPLETION:** 01/24/11 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Municipal Transportation Agency

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/21/11 **DATE OF COMPLETION:** 01/28/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/19/10 **DATE OF COMPLETION:** 01/19/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers failed to follow Department General Order (DGO) 5.20.

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

FINDINGS OF FACT: The complainant stated she asked for an interpreter during the detention. The officers denied the allegation. The officers said an interpreter was requested for the complainant's father but none responded. The officers stated the complainant did not request an interpreter for herself. The officers further said the complainant spoke proficient English. A witness confirmed the complainant spoke English and she did not request an interpreter while he was present. Another witness said the complainant did not ask for an interpreter and is proficient with the English language. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant said her ex-husband should have been arrested and not her, because she was the victim of an assault. The officers stated the complainant was arrested based on the physical evidence and statements, which show the complainant being the primary aggressor in the incident. A witness sustained a visible injury to his hand and other witnesses said the complainant caused the injury. A witness further stated he saw the complainant being hysterical and appear to be the aggressor. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5-6: The officers failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant said the officers failed to provide medical treatment and take photos of her injuries. The complainant stated the officers did not physically check her for her injuries. The complainant took her own photos after the incident regarding minor scratches on her chest area and a few bruises on her arms. The San Francisco Police Department Field Arrest Card cleared the complainant at medical triage. The officers stated there were no visible injuries on the complainant and she did not complain about pain, injury, or needing medical assistance. A witness did not see or hear from the complainant about any injuries or pain. Another witness stated he sustained visible injuries from the complainant but refused medical treatment offered by the officers on scene. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #7-8: The officers failed to investigate.

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

FINDINGS OF FACT: The complainant stated the officers did not interview her on scene. The officers denied the allegation. The officers said they interviewed the complainant and determined she was the aggressor in the incident. A witness said the officers interviewed everyone on scene including the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 01/22/10 **DATE OF COMPLETION:** 01/13/11 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant stated in her written statement that the officer misrepresented the truth when he stated she bit him causing him to bleed and seek medical attention during her arrest. Photos of the officer's injury were properly documented and provided to OCC by the SFPD's Legal Division showing an abrasion on the officer's wrist from his contact with the complainant. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/10 **DATE OF COMPLETION:** 01/28/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant alleged undercover officers entered her residence and questioned her children when she was not at home. The officers stated they knocked on the door and identified themselves as police officers both verbally and by showing their badges and entered the apartment because they had an arrest warrant for the complainant's husband. The officers were members of the Fugitive Recovery Enforcement Team (F.R.E.T.). The children were interviewed and corroborated the officers' statements. Court records confirmed the existence of the arrest warrant. Officers are allowed to enter a residence when attempting to effect an arrest warrant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: It was alleged the officers searched the complainant's residence without cause. The officers stated they went to the residence to effect an arrest warrant for an individual known to reside at the address. The officers stated they went inside the apartment to do a protective sweep to make sure the subject was not hiding inside. They did not locate the subject and left. The children were interviewed and corroborated the officers' statements. The witness officers also corroborated the named officers' statements. Department policy permits officers to conduct a protective sweep when executing arrest warrants. 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 #5-6: The officers displayed inappropriate behavior and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers questioned her children and made inappropriate comments. The named officers acknowledged they briefly questioned the children as to whether the subject of the warrant was inside the apartment but denied making any inappropriate comments. Two officers denied hearing any inappropriate comments. The children gave conflicting statements. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT: