

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/11 **DATE OF COMPLETION:** 03/22/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to keep an appointment.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on February 24, 2011.

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:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant did not provide any additional evidence or witness contact information.

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments and harassed the complainant.

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

FINDINGS OF FACT: The complainant did not provide any additional evidence or witness contact information.

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

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

FINDINGS OF FACT: The complainant did not provide any additional evidence or witness contact information.

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

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

FINDINGS OF FACT: The complainant did not provide any additional evidence or witness contact information.

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SUMMARY OF OCC #5: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant did not provide any additional evidence or witness contact information.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/28/11 **DATE OF COMPLETION:** 03/07/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made inappropriate comments and was rude to the complainant.

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

FINDINGS OF FACT: The complainant stated the officer was rude to her and made inappropriate comments while she was dropping her daughter off at school. The officer denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer was rude to the complainant.

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

FINDINGS OF FACT: The complainant stated the officer was rude to her when she called the district station. The officer denied the allegation. There are no independent witnesses to this telephone call. 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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DATE OF COMPLAINT: 02/02/11 **DATE OF COMPLETION:** 03/01/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated he was cited for no reason. The named officer stated that the complainant was cited for littering after the officer observed the complainant throw a cigarette on the ground. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used unnecessary force when he pushed the complainant.

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

FINDINGS OF FACT: The complainant stated that one of the two officers on scene pushed him. The complainant did not provide any information to identify the officer who pushed him. Both officers on scene denied having any physical contact with the complainant. There were no witnesses to this contact who were identified or who came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers made inappropriate comments to him. The complainant, who chose to remain anonymous, could not identify the officers. He provided a patrol car number and a brief description of the officers. However, the officer assigned to that patrol car did not match the description provided by the complainant. The complainant did not provide any contact information and was not available to identify the officers through photos or any other means.

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity. The complainant, who chose to remain anonymous, could not identify the officer. He provided a patrol car number and a brief description of the officer. However, the officer assigned to that patrol car did not match the description provided by the complainant. The complainant did not provide any contact information and was not available to identify the officer through photos or any other means.

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SUMMARY OF ALLEGATIONS #4: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officer failed to identify himself and also failed to respond to the complainant's concern about a dog tied to a fire hydrant. The complainant, who chose to remain anonymous, could not identify the officer. He provided a patrol car number and a brief description of the officer. However, the officer assigned to that patrol car did not match the description provided by the complainant. The complainant did not provide any contact information and was not available to identify the officer through photos or any other means.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The complainant stated that a mounted patrol officer did not clean up after his horse when the horse defecated in the street. The investigation showed that the Department will clean up after a horse if the caller provides a specific location. Also, there are no rules, policies or procedures for this, as horse waste is considered organic and biodegradable. The evidence proved that the act alleged did occur, however, said act was proper pursuant to current San Francisco Police Department regulations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/28/11 **DATE OF COMPLETION:** 03/07/11 **PAGE #1** of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant withdrew her OCC complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The complaint raises matters outside OCC's jurisdiction. The complaint has been referred to the University of California, San Francisco Police Department.

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

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

University of California
San Francisco Police Department
1855 Folsom Street –Suite 145
San Francisco, CA 94143-0238.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/04/11 **DATE OF COMPLETION:** 03/11/11 **PAGE #1** of 1

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

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

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

University of California Police Department
Office of Public Safety
1855 Folsom St., Suite 145
San Francisco, CA 94143-0238

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/10/11 **DATE OF COMPLETION:** 03/15/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant raises matters outside OCC's jurisdiction.

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

FINDINGS OF FACT: The complainant raises matters outside OCC's jurisdiction by making police deployment recommendations to the Tenderloin Police Station.

The complaint has been referred to:

Officer In Charge
Tenderloin Police Station
San Francisco Police Department
301 Eddy Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/11/11 **DATE OF COMPLETION:** 03/15/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant is a police officer in another jurisdiction. He was a passenger in a SuperShuttle van proceeding to SFO when a person in an unmarked car with a personalized license plate pulled next to the van, flashed a police star and yelled at the van driver to pull over. The driver pulled the van over and ordered the driver to exit the van. The complainant inquired as to what was occurring and the man told him to mind his own business. The complainant stated that no marked units arrived on scene and he never observed the man use a police radio, light bar or siren and he did not see a firearm. Department records show there is no SFPD unit with the personalized license plate reported by the complainant. The matter has been forwarded to:

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer entered a room without cause.

CATEGORY OF CONDUCT: UA **FINDING:** NF **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: 03/25/11 **DATE OF COMPLETION:** 03/30/11 **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 forwarded to the San Francisco Sheriff's Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/09/10 **DATE OF COMPLETION:** 03/17/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer made threatening and inappropriate comments, threatened the complainant and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the officer drove to where she was staying with her boyfriend, called her a whore and drove away. The complainant's boyfriend, the officer's ex-husband, overheard this. On a subsequent encounter, the officer followed the complainant in a marked police department vehicle and her ex-husband around the block. When they parked, the officer blocked the car in with her patrol car and got out. The complainant and her boyfriend got out of the car. The officer came within 2-5 feet of the complainant and berated the complainant with profanities. The officer warned the complainant to stay away from the officer's children. The complainant was frightened because the officer was older, larger and in uniform. The officer's ex-husband stood near the complainant. He confirmed what the officer said and did. The officer's partner confirmed that the named officer was driving a patrol car, followed the complainant around the block and blocked her ex-husband's car in. The partner also confirmed her partner's contact with the complainant lasted 5-10 minutes, had no law enforcement purpose and that she was not on a call for service. The named officer admitted getting angry and using profanity, but denied saying it to 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.

SUMMARY OF ALLEGATION #2: The officer misused Department equipment.

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

FINDINGS OF FACT: On two separate occasions, Department records documented the officer's misuse of Department computer equipment to query the complainant's personal information for non-law enforcement purposes. The officer did not have the appropriate right to know and need to know the complainant's personal information. The officer admitted her queries were curiosity-based and personal in nature, in violation of Department General Order 10.08. The complainant alleged the officer also utilized a Department-issued patrol car for personal use to confront her, in violation of Department General Order 10.10. In one of the instances, the officer followed the complainant and her ex-husband around the block, boxing their car in. The officer denied the allegation. The witness stated the officer saw his car, made a u-turn, followed him and blocked his car in, by double-parking next to it. The officer's partner confirmed the officer drove around the block and blocked the car in as described. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #3: The officer misused her authority.

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

FINDINGS OF FACT: The complainant stated that the officer was in uniform when she told her to “stay away from her children.” There was no evidence indicating the officer was acting as a member of the San Francisco Police Department when she spoke to the complainant. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF OCC ADDED ALLEGATION#1: The officer misused Department equipment.

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

FINDINGS OF FACT: The officer logged onto the California Law Enforcement Telecommunication System (CLETS) in her patrol vehicle’s mobile video terminal (MVT) using her personal identification number and password. Only one officer can be physically logged onto CLETS in a MVT. The named officer was partnered with another officer in a patrol vehicle on two separate occasions. While the named officer was logged onto CLETS, two separate acts of CLETS abuse took place. The named officer denied abusing the CLETS system or having knowledge of any other officer abusing the CLETS system. The officer’s partner admitted having used CLETS inappropriately on the two occasions, while the named officer was logged on. The Department CLETS trainer stated that the Department allows multiple officers in the same vehicle to use the MVT without changing the login. This permissive practice may allow abuse of the CLETS system. The Department’s policy should be revised to provide better data security, promote individual accountability and foster transparency. The finding is therefore Policy Failure.

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to make an arrest for a robbery and an assault. The officer investigated the alleged robbery and assault and due to the inconsistencies of the individuals involved, was not able to determine that a robbery had occurred. Both parties admitted to assaulting each other and according to the officer, neither one wanted any further police action. The complainant failed to cooperate with the Office of Citizen Complaints and record a statement. The OCC was unable to locate any independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated an officer used profanity. The complainant failed to cooperate with the OCC's attempt to record a statement. All officers on scene denied using profanity during this incident. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officer entered the complainant's apartment without cause.

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer detained the co-complainant's without cause.

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer used unnecessary force.

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. 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 used unnecessary force during the detention of the complainant.

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

FINDINGS OF FACT: The complainants were involved in a physical altercation. Their neighbor called 911 when she heard the fight and their children screaming inside the residence. In his OCC interview, the complainant admitted verbally abusing his girlfriend, but denied striking her. He alleged officers used unnecessary force, during their detention, causing him pain. He said the officers “slammed” him against a wall, kicked his legs apart, causing him to lose his balance. The complainant further alleged an officer pulled his hair and hyper-extended his arms behind his back in an unnatural position. The co-complainant’s description of the officers’ use of force differed from the complainant’s description. The officers denied the allegation. They detained the complainant on the sidewalk outside his residence. The officers ordered the complainant to face a nearby wall. The officers denied moving or pushing the complainant, stating he complied with orders. The officers conducted a high profile cursory search of the complainant. The search included one officer keeping the complainant off balance. One officer kicked the complainant’s legs apart while he controlled the complainant’s hands on his head during the search. The officers denied the complainant complained of pain. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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 a “racially derisive name.” He could not identify which of the officers he contacted called him this. The co-complainant stated an officer used the racially derisive name. She described the officer as bigger and the one who spoke more to her boyfriend at the scene. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The co-complainant stated the officer said her boyfriend dressed “like a black man.” The complainant did not overhear the officer’s statement. 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 made inappropriate, intimidating comments.

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

FINDINGS OF FACT: The complainant stated the officers repeatedly called him a “punk” and a “lowlife” at the scene and at a police station. The officers 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 ALLEGATIONS#7-8: The officers interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainants said officers ordered onlookers to the complainant's detention away from the scene. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION#9: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officer purposely broke his glass medical marijuana pipe. The co-complainant stated the officer searched the complainant's pockets and quickly removed numerous objects at the same time. The officer denied the allegation. He stated that while searching the complainant for weapons, he felt several hard objects in the complainant's pocket. He retrieved the objects, a knife and a glass pipe at the same time. During the removal of these objects, the officer dropped the complainant's glass pipe and it broke. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 03/31/10 **DATE OF COMPLETION:** 03/24/11 **PAGE #4** of 4

SUMMARY OF ALLEGATIONS #10-11: The officers failed to take required action at the scene.

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

FINDINGS OF FACT: The complainants alleged the officers neglected to check on the welfare of their children, when she locked herself out. The co-complainant stated a third officer came to the scene after a neighbor assisted her. The officers denied the allegation. An unidentified person admitted the co-complainant to the apartment. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officers responded to a high priority domestic violence case. A neighbor heard the parties engaged in a physical fight. The complainant admitted he was fighting with his girlfriend but denied striking her. He stated the police detention lasted under a minute, saying he was pushed against a wall and his hands were held on top of his head by an officer during a search. He was not handcuffed. The officers denied the allegation. The officers found the complainants engaged in a verbal altercation on the sidewalk outside their residence. They stated the complainant complied with their order to move to a nearby wall. The co-complainant said the officers pushed the complainant, but portions of her statement were inconsistent or not credible with the rest of the evidence presented. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #1 & 2: The officers used unnecessary force.

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

FINDINGS OF FACT: The officers denied the allegation. Witnesses denied seeing any of the alleged unnecessary force however the witnesses said they did not at all times have an unobstructed view. The Incident Report and entry in the Force Log documents the use of force but not the force alleged by the complainant. The complainant sustained an abrasion to his cheek during the incident. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3 & 4: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The arresting officers said the complainant was arrested because he was in violation of a Restraining Order. The officer measured the distance of the complainant's vehicle to the victim's home and found it to be within the prohibited zone of the Restraining Order. The Restraining Order includes the complainant's vehicle and was valid at the time of the incident. A signed Proof of Service is attached to the Restraining Order. The arrest was approved by a supervisor. There were no other known witnesses. The evidence proved that the acts that provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer said he had the vehicle towed because the location of the vehicle was in violation of the Restraining Order, therefore he had to tow the vehicle to prevent a continuing offense. The incident report documents that the vehicle was within the distance prohibited by the Restraining Order. The Restraining Order includes the vehicle. The evidence proved that the acts which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The officer denied using the alleged profanity. Witnesses denied hearing the named member use the alleged profanity. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #8: The officer threatened the complainant.

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

FINDINGS OF FACT: The officer denied making the alleged comment. Witnesses denied hearing the named member make the alleged comment. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer used a racial slur.

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

FINDINGS OF FACT: The officer denied using the alleged racial slur. Witnesses denied hearing the named member use the alleged word. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer used a sexual slur.

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

FINDINGS OF FACT: The complainant alleged the officer used a sexual slur during a verbal contact. The officer denied the allegation. The witness did not observe the entire contact. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant alleged the officer used a sexual slur during a verbal contact. The officer denied the allegation. The witness did not witness the entire contact. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer negligently used department equipment.

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

FINDINGS OF FACT: The complainant alleged the officer nearly ran her over as he drove an unmarked department vehicle. The complainant was riding a bicycle on a street where there was no bicycle lane because that portion of the street was under construction at the time. The complainant said she rang her bell to say she was passing and indicated that there were more behind her. She stated the officer cut her off and turned in front of her, nearly hitting her. The witness stated the car was about to turn in front of the complainant, placing the vehicle ahead of the cyclist. In light of the fact that bicycles retain somewhat more maneuverability than motor vehicles, the complainant had a slightly better opportunity to slow down and may have contributed to a risky situation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

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

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was arrested without cause. The officer stated he arrested the complainant after the complaining witness notified him the complainant had stolen merchandise from his premises and caused damage to store property. Video surveillance footage documented the complainant's criminal activity. A short time later, the officer and the complaining witness located the complainant and another subject nearby. The complaining witness identified the complainant to the officer. The officer arrested the complainant. The complaining witness signed a citizens arrest form against the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that an officer used unnecessary force to take him into custody. The officer denied the allegation, stating the complainant took an aggressive stance with him, standing within close range. The officer admitted striking the complainant with his baton and reported his use of force, which was documented. The witness and witness officers did not see the entire police contact. No other 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 officers used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged that the officers used unnecessary force. The complainant failed to respond despite repeated attempts to contact him. 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 ALLEGATIONS #1-2: The officers failed to prepare a traffic collision report.

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

FINDINGS OF FACT: The complainant said he was riding his bicycle and was injured after a Smart car deliberately struck his bicycle, and caused him to fall. The complainant further alleged he requested the officers prepare a detailed traffic collision report, but the officers did not write the requested report. A preponderance of the evidence established the complainant was injured as a result of the collision, and that the officers failed to prepare a traffic collision report as required under DGO 9.02.

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

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

FINDINGS OF FACT: The complainant alleged the officers failed to conduct a traffic collision investigation to determine fault and whether the motorist had committed an aggravated assault with a deadly weapon by deliberately striking his bicycle with a car. A preponderance of the evidence established that the officers did not conduct or document a traffic collision investigation of fault as required under DGO 9.02.

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

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

FINDINGS OF FACT: The complainant stated the officers entered and searched her home without a warrant. The officers stated they were going to do a probation/parole search however, when they came to the door was it was unlocked at the door jam and stated no one answered. The officers stated they entered to do a well being check because they thought a burglary might have taken place or was in progress. The officers stated there had been many burglaries during that time in that area. The officers denied searching the residence and throwing items around. The witnesses did not respond for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-3: The officers failed to properly investigate.

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

FINDINGS OF FACT: The officers gathered all pertinent information and corroborating evidence known of the incident at the time. A total of two incident reports and two supplemental reports were generated and prepared regarding 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 #4: The officer failed to properly investigate.

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

FINDINGS OF FACT: The officer gathered all pertinent information and corroborating evidence known of the incident at the time. The officer detailed a chronological of investigation which documented his follow up activities. The officer presented the facts of the case to the San Francisco misdemeanor intake assistant district attorney. The assistant district attorney advised the officer that the charge of assault/battery against an additional suspect would be discharged because of lack of corroboration. The court case against the involved adult was discharged and referred to community dispute services. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #5-7: The officers failed to take required action

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

FINDINGS OF FACT: The officer responded to a school to assist school officials with mediating a dispute. The parties were agitated and demanded officers cite and/or arrest the involved parties. The officers stated their supervisor responded and ordered the parties be cited and released. The supervisor corroborated she instructed the officers to cite and release the parties due to a failure to mediate, conflicting statements of the incident and the inability to determine who was at fault. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8-10: The officers' behavior and comments were inappropriate

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

FINDINGS OF FACT: The officers denied making any inappropriate comments or behavior. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11: The officer provided inaccurate information

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

FINDINGS OF FACT: The officer completed a chronology of the investigation of his activities and follow up details involving this incident. After gathering additional information and statements of the incident, the officer presented the facts of the case to the San Francisco misdemeanor intake assistant district attorney. The assistant district attorney advised the officer that the charge of assault/battery against an additional suspect would be discharged because of lack of corroboration. The court case against the involved adult was discharged and referred to community dispute services. 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 #12: The officer's behavior and conduct was inappropriate

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

FINDINGS OF FACT: The officer assigned the case to himself, performed a follow up investigation and consulted the assistant district attorney regarding the evidence in the case. The officer's chronology of the investigation documents his activities and evidence collected. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #13: The officers displayed selective enforcement

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

FINDINGS OF FACT: The involved officers denied selective enforcement towards the involved party and claimed no prior relation with any party. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer seized the complainant's driver's license without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer effected a traffic stop, accused the complainant of driving erratically and having anger issues and stated that he was revoking the complainant's driver license. The complainant stated that the named officer seized his driver license. The named officer effected a traffic stop because of the complainant's erratic driving. The named officer stated that he cited the complainant. The named officer denied saying he was revoking the complainant's driver license or was confiscating the complainant's driver license. The named officer stated that after having the complainant exit his car and come to the patrol car to sign the citation, he told the complainant that if he did not understand the consequences of his actions, perhaps he should be re-tested. The named officer stated that when he returned to the station, he realized that he had accidentally failed to return the complainant's driver license to him. Therefore, a preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #2: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that after stopping at an intersection with stop signs on all four corners, he entered the intersection and began turning left. The complainant stated that the named officer made a rolling stop at the corner to his right and entered the intersection in an unsafe manner, driving in front of the complainant's car. The complainant's passenger also confirmed the complainant's account. The named officer stated that he came to a full stop at the stop sign then proceeded through the intersection. When he was approximately half-way across the intersection, he saw the complainant's car almost parallel to his turning into his traffic lane. Because the complainant and the officer may have subjectively believed they had entered the intersection first, the investigation concluded that the evidence failed to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer detained him for a traffic stop without cause. The named officer stated that he effected a traffic stop on the complainant after observing him driving in an unsafe and erratic manner at several locations, including failing to yield when entering an intersection, speeding and failing to fully stop at a stop sign. The complainant denied driving in the manner described by the named officer. A passenger in the complainant's car stated that the complainant did not fail to yield to another car in the intersection and that he did not speed or drive in an unsafe manner. There is insufficient evidence to determine whether any of the complainant's actions provided the named officer a basis for conducting a traffic stop. Therefore, there is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer cited him without cause for failing to properly clear an intersection, when in fact the complainant entered the intersection properly while the named officer failed to stop for a stop sign. A passenger in the complainant's car confirmed his account. The named officer denied failing to stop at the stop sign and stated that the complainant entered the intersection improperly, nearly colliding with his car as he attempted to turn left into the same traffic lane the officer was in. Significant elements of the named officer's account of this incident are contradicted by the consistent statements of the complainant and his passenger. Additionally, the named officer cited the complainant for violation of a section of the vehicle code that does not apply where stop signs are erected upon all approaches to an intersection. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #5: The officer made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant and a passenger in his car consistently describe the named officer as manifesting a brusque and confrontational manner when he initially approached the complainant's car. While the named officer had the power to cite the complainant for traffic violations he reportedly observed, he did not have authority to revoke the complainant's license and his authority to initiate re-testing was limited to drivers who exhibited evidence of incapacity such serious physical injury or illness or mental impairment or disorientation.

The named officer's comments about license revocation and re-examination and his actions that implied that he had revoked the complainant's license were improper. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #6: The officer initiated a DMV action against the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer initiated a DMV action against him requiring a priority re-examination of his driver's license due to driver incapacity. The complainant's driving, as described by the named officer, did not rise to the level of "evidence of incapacity" as described in the California Vehicle Code. Although the named officer claimed that the complainant drove in an unsafe and reckless manner, he failed to take enforcement action earlier or to cite him for violations more serious than failing to properly clear an intersection. This raise questions about the named officer's credibility. Significant elements of the named officer's account of this incident are contradicted by the consistent statements of the complainant and his passenger. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #7: The officer failed to comply with DMV regulations and procedures.

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

FINDINGS OF FACT: The evidence established that the named officer completed a Department of Motor Vehicles Notice of Priority Re-Examination of Driver/Notice of Suspension for Non-Compliance form concerning the complainant, but had only half the form delivered to the complainant. The portion the complainant received did not identify the named officer nor did it include the named officer's declaration under penalty of perjury as to the circumstances giving rise to the Priority Re-Examination. 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 came to the complainant's home without justification.

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

FINDINGS OF FACT: The complainant stated that several days after the traffic stop the named officer delivered an envelope containing his driver license and a Department of Motor Vehicles Notice of Priority Re-Examination of Driver/Notice of Suspension for Non-Compliance form. The named officer stated that on the night of the traffic stop, he directed a subordinate officer to deliver an envelope containing the complainant's driver license and the DMV Notice of Priority Re-Examination of Driver/Notice of Suspension for Non-Compliance form. The Department could not locate its copy of the DMV Notice and there was no record of the time and date of the delivery to the complainant. The OCC recommends that the Department institute a record-keeping process concerning its issuance of Notice Of Priority Re-Examination of Driver to the driver to demonstrate that the Department complied with its statutory notice requirements.

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

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

FINDINGS OF FACT: The evidence established that the named officer failed to provide the complainant with a copy of DMV Form DS 427, Notice of Priority Priority Re-Examination of Driver and Suspension for Non-Compliance, at the time of the traffic stop, as required by DMV regulations. The named officer stated that he did not have this form with him at the time of the traffic stop. According to the SFPD trainer on DMV issues, patrol officers would not carry such a form with them. Therefore, the named officer was unable to complete this form until he returned to the station. Additionally, the officer had delivered to the complainant only the top half of the form and the complainant stated he received the form several days after the incident. The OCC recommends that the Department issue a training directive that explains the circumstances that authorize DMV re-testing, how to fill out the form and provide proper notice to the driver.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1: The officers used force during the incident.

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

FINDINGS OF FACT: The complainant stated one of the officers pushed him. The officers denied using force on the complainant. The officer admitted he placed his hand on the complainant's shoulder to keep him a distance from him for officer safety. Another officer on scene said he had no contact with the complainant and did not see any force used. One witness did not provide a statement to the OCC as he resides in another country and it is not known if he will return to the United States of America. Another witness said she was not present during the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant said the officers detained him for no reason. The officers denied the allegation and said they were "flagged" by the complainant and others while on patrol in their unit vehicle. The officers denied the complainant was detained on scene but responded to a report for help and further investigated. One witness did not provide a statement to the OCC as he resides in another country and it is not known if he will return to the United States of America. Another witness said she was not present during the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #4-5: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer screamed, yelled, and threatened to arrest him for assault on another person. The complainant said one of the officers looked like he was going to arrest him and appeared "physically menacing." The officers denied the allegations and one of the officers said he told the complainant he would be arrested if he assaulted someone. One witness did not provide a statement to the OCC as he resides in another country and it is not known if he will return to the United States of America. Another witness said she was not present during the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #6-7: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated the new landlord should not have changed the property's lock in order to lock him out. The complainant did not request a citizen's arrest of the landlord. The officer said the landlord does not have the right to change the lock to a property unless there is a new owner. The officer stated the landlord told him her attorney notified the complainant by mail advising him to move out and remove his personal belongings from the property. The San Francisco Superior Court documents reveal the landlord as the new owner of the property. According to the San Francisco Residential Rent Stabilization and Arbitration Ordinance, Chapter 37 of the San Francisco Administrative Code (the "Rent Ordinance") is applicable only to "residential dwelling" tenancies. "Rental Unit" is defined at Rent Ordinance § 37.2 (r) as "All *residential* dwelling units . . ." The property that the complainant resided at was not a residential but a commercial property. 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 #8: The officer misused his authority.

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

FINDINGS OF FACT: The complainant stated the officer received bribes, gifts and does favors for a local business owner. The officer denied the allegation and stated he is the assigned beat officer that services that particular area. The witness denied the allegation against the officer and said she does not have a relationship with him, did not give him any gifts or bribes. There are no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/26/10 **DATE OF COMPLETION:** 03/30/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1 & 2: The officer entered the complainant's home without cause.

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

FINDINGS OF FACT: The complainant stated that the officers entered her home when no one was there to conduct a probation search of her son's room. The complainant acknowledged that her son has a search condition. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION # 3 & 4: The officer damaged property.

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

FINDINGS OF FACT: The complainant stated that officers who conducted a probation search at her home damaged property by leaving her son's room in disarray, leaving drawers open and clothing and other items from a closet on the floor. The officers stated that the room was in disarray when they arrived, and that they placed items on the bed or in the center of the room so they wouldn't search the same items twice. There is insufficient evidence that the officers damaged property.

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DATE OF COMPLAINT: 04/26/10 **DATE OF COMPLETION:** 03/30/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5 & 6: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officers entered her home when no one was there to conduct a probation search of her son's room but failed to lock the door with the key they used to enter. The named officers stated that they locked the door when they left. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7 & 8: The officers seized property without cause.

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

FINDINGS OF FACT: The complainant stated that the officers entered her home when no one was there to conduct a probation search of her son's room. When the complainant returned home, she discovered that a jar containing cash was missing from her son's bedroom. The named officers denied seizing any property. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/29/10 **DATE OF COMPLETION:** 03/07/11 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant refused to leave the bar because she did nothing wrong and wanted the bar staff to articulate a reason why she had to leave. The officers stated the complainant refused to leave after being asked to leave by the manager of the bar so that is why they responded. The officer stated he asked the complainant to step outside and she refused, so he handcuffed her and cited her for trespassing. The manager stated the complainant and companion had too much to drink and were belligerent so he wanted them to leave. The officer stated the manager signed a citizen's arrest for trespassing. Officers are authorized to accept citizen's arrest per DGO 5.04 Arrests by Private Persons.

SUMMARY OF ALLEGATION #3-4 The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officers' contacted the complainant's employer (a federal law enforcement agency) telling the story that the complainant was acting inappropriately "wiggling out" at a bar. The complainant said that same week a copy of the incident report was sent to her employer. The complainant also said the officers gave inconsistent statements to her employer. The officers denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 04/29/10 **DATE OF COMPLETION:** 03/07/11 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #5: The officer failed to write an accurate report.

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

FINDINGS OF FACT: The complainant stated the officers listed her as having the argument with a patron instead of her companion. The complainant also stated that the report states she identified herself as a member of a federal law enforcement agency and that she used profanity. The officer stated he prepared the incident report with all the information he gathered, information that his partner provided, information the reportee provided, and information the witness provided. One witness stated the complainant did not use any profanity and did not identify herself as an officer from a federal law enforcement agency in his presence. Another witness stated the complainant was belligerent and had an altercation with a patron. An additional witness did not come forward for an interview. The officers statements provided to the complainant's employer did not necessarily contradict the incident report, as the interview obviously entailed information not included in the report and the statements seemed to be summaries. 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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DATE OF COMPLAINT: 04/27/10 **DATE OF COMPLETION:** 03/07/11 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer threatened the co-complainant.

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

FINDINGS OF FACT: The complainant said the officer threatened to arrest the co-complainant. The co-complainant did not corroborate the complainant. The officers denied making or hearing the alleged comment. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant attributed comments and behavior to the named member. The alleged conduct and comments were not corroborated by the co-complainant. The witness officers denied hearing the alleged comments or witnessing the alleged behavior. The named member denied behaving in the alleged manner or making the alleged comments. There is insufficient corroboration to make a definitive finding to any of the sustainable comments and as to one of the corroborated comments, the comment did not rise to the level of misconduct demanding discipline. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/27/10 **DATE OF COMPLETION:** 03/07/11 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3 and 4: The officers failed to provide their name and star number upon request.

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

FINDINGS OF FACT: The complainant said she asked for and was not provided the names and star numbers of the officers. The co-complainant recalled the complainant requesting the information but did not recall whether or not it was provided. A witness officer did not recall hearing the request. One of the named members recalled the request and having provided the complainant with the information. The other named member did not recall the request having been made but said he provided the complainants with a Reportee Follow-up Form containing his name and number. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION 5: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainants believed a crime had been committed and action should have been taken. The named member denied that the evidence supported the commission of a crime. A subsequent investigation was conducted by a supervising officer after the complainant was not satisfied with the first investigation. The second investigation came to the same conclusion as the first investigation. An Incident Report and Supplemental Incident Report were prepared documenting the circumstances as verbal disagreement and a misunderstanding. The evidence proved that the acts that provided the basis for the allegation occurred, however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 04/27/10 **DATE OF COMPLETION:** 03/07/11 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: The member behaved in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the member was working at the front window when they came into the station for assistance. The complainant said the member was not helpful and told them there was nothing he could do. The complainant said the member got on the phone and laughed with the party on the other end which she found offensive. The co-complainant said when he asked the member when the officers would be available to talk with them the member replied in a rude manner, "They will come when they come."

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

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

FINDINGS OF FACT: The complainant said she asked for and was not provided the names and star numbers of the members. The co-complainant recalled the complainant requesting the information but did not recall whether or not it was provided.

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DATE OF COMPLAINT: 04/30/10 **DATE OF COMPLETION:** 03/23/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation and said he had the authority and the responsibility to make inquiries in determining whether the situation required police assistance. The officer could find no evidence that the child's safety was in jeopardy, as the complainants had reported. The witness officer corroborated the named officer's account of the investigation of the incident. An SFPD subject matter expert stated an officer has a right to thoroughly question school officials to determine the appropriate action. Furthermore, the SFPD subject matter expert said school officials have numerous resources available and could have handled this incident in a different manner.

SFUSD officials said they normally attempt to resolve these issues with families without requesting police assistance, unless a threat or safety issue exists. The officer obliged the complainants by providing a courtesy transport for the suspended child and his sibling. The officer made contact with the parent at their residence, advised the parent to contact the school regarding the suspension of her child and to update her children's emergency contact information at the school.

SUMMARY OF ALLEGATION # 2: The officer displayed bias policing due to race.

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

FINDINGS OF FACT: The officer denied the allegation. The officer said his statements alleging biased policing due to race, had no merit and had nothing to do with the race of the child or the complainant. The witness officer corroborated the named officer made no biased statements and handled the incident in a professional manner. There is insufficient evidence to either prove or disprove the allegations.

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DATE OF COMPLAINT: 05/06/10 **DATE OF COMPLETION:** 03/31/11 **PAGE #1** of 4

SUMMARY OF ALLEGATIONS #1-5: The officers failed to properly identify themselves.

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

FINDINGS OF FACT: The complainant admitted spray-painting graffiti on the wall of a building. He reported being chased by unknown individuals in a car as he left the area. He claimed that the individuals whom he did not know were police who caught him, forced him to the ground and handcuffed him without identifying themselves. The named officers said they identified themselves verbally and visually by their badges on the outer garments of their clothing but that the complainant ran away. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-10: The officers failed to state a reason for the arrest.

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

FINDINGS OF FACT: The complainant stated that officers did not tell why he was being arrested as they took him into custody. One officer stated that he told the complainant of the reason for his arrest, Mirandized the complainant, and that the complainant spontaneously stated, "It wasn't me, it was some eighth graders." There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/06/10 **DATE OF COMPLETION:** 03/31/11 **PAGE #2 of 4**

SUMMARY OF ALLEGATIONS #11-15: The officers failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant said officers never Mirandized him concerning his arrest or questioning. One of the officers alleged the complainant was advised of his Miranda rights on two occasions, once at the time of his arrest and another time by the officer himself prior to questioning the complainant. The incident report does not indicate that any officer provided the Miranda admonition and obtained a Miranda waiver before custodial interrogation at the district station. Although Department General Order 7.01 requires that juvenile interrogations at police facilities be audiotaped, the officers admitted they did not audiotape their interrogation of the complainant at the district station. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #16-18: The officers failed to comply with DGO 7.01

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

FINDINGS OF FACT: The officers acknowledged that they did not inform the juvenile complainant that his parents could be present during custodial interrogation as required by DGO 7.01. They also acknowledged that they did not audio tape their custodial interrogation of the juvenile complainant nor did they permit the juvenile to make two phone calls as required by DGO 7.01. They also brought the juvenile complainant to the district station instead of bringing the juvenile to a juvenile facility as Department General Order 7.01 requires. 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 #19-20: The officers used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant alleged the officers grabbed him and forced him to the ground. He said that as a result of this contact, he suffered a minor bruise to his forehead. The officers who were interviewed stated they did not grab the complainant or physically force him to the ground. Furthermore, they did not see any other officer do this. One of the arresting officers said he commanded the complainant to get on the ground and he complied. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #21-22: The officers displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant alleged that while running away from individuals whom he did not know were undercover police officers, an unmarked car suddenly blocked his direction of travel. The complainant stated that an officer opened the car door that struck him on the leg. One of the arresting officers acknowledged chasing the complainant in an unmarked police vehicle but denied opening the car door and striking the complainant. The officer said he parked the car, got out of the vehicle and commanded the complainant to stop. The officer said the complainant was not near the parked police vehicle when this occurred, and the complainant voluntarily complied with the order. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers failed to document and log the use of force.

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

FINDINGS OF FACT: The complainant alleged the officers used force during his arrest. The officers denied using force. The officers stated they did not see any evidence of injury on the complainant, and the complainant never informed the officers of any injury or that he was in any pain. Consequently, the officers said there was no need to make an entry in the Use of Force Log maintained at the police station. There are no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was detained without justification. The officer stated he was dispatched to the location where the complainant was due to a bomb threat being made, and detained him for further investigation. According to one of the building employees, the complainant was also not supposed to be at the location because of previous threats the complainant made and the employees were instructed to contact the police if the complainant came back. 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 detained the complainant for a prolonged period.

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

FINDINGS OF FACT: The complainant stated the officer detained him for a prolonged period of time. The officer stated the detention was longer than usual, but there were special circumstances regarding this complainant, and specific telephone calls had to be made in regard to the complainant so the detention was justified. The CAD regarding this incident stated to contact the District Attorney when contact was made with the complainant. The officer and supervisor on scene made several calls to city entities regarding the complainant, and when they could not get in contact with the individual who wanted the complainant held, the complainant was released and issued an 849b. The evidence proved that the acts which provided the basis for the allegation occurred, however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #3: The officer 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 admitted to handcuffing the complainant because he was dispatched to the scene regarding the complainant making bomb threats, and was told to detain him for further investigation and handcuffing is standard procedure for detentions. The building employees contacted the police regarding the complainant because an investigator with the city attorney's office instructed them to. The evidence proved that the acts which provided the basis for the allegation occurred, however, such acts were justified, lawful, and proper.

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

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

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

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

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

FINDINGS OF FACT: The complainant stated the officer used excessive force during his detention. The officer denied the allegation. Witness officers arrived on scene after the alleged forced happened. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged he was arrested without cause. The officers stated they overheard a radio broadcast that a white passenger van had attempted to run another officer over. Shortly after the officers observed the van approaching their location. The officers repeatedly ordered the driver/complainant to stop the vehicle and get out. Both officers stated the driver/complainant did not comply. The victim officer came to the scene and identified the complainant to the arresting officers. The officers arrested the complainant. Two witnesses corroborated the officers' statements that the driver/complainant did not comply with the officers' orders to stop and exit the vehicle. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers filed false charges against the complainant.

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

FINDINGS OF FACT: The complainant alleged the officers filed false charges against him. The officers denied the allegations. Court records show the complainant was initially charged with violations of 245(a)(1) Penal Code- Assault w/deadly weapon, 148 Penal Code - Resisting, delaying or obstructing an officer, and 2800(a) California Vehicle Code -Obedience to peace officers. The felony count was discharged and the complainant pled guilty to two misdemeanors and completed a diversion program. 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 used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant alleged officers used unnecessary force during his arrest. The officers denied the allegations. The officers admitted they pulled the complainant from his vehicle after he failed to comply with their orders and that they used a control technique to direct the complainant to the ground. One witness stated the officers did not use excessive force. Another witness stated from his position he could not see the ground and/or what happened next, but that from what he saw and heard the officers acted properly. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/26/10 **DATE OF COMPLETION:** 03/31/11 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated she accompanied her boyfriend to the location of his parole office where he was arrested. The complainant alleged the officer searched the complainant's purse, but the officer denied this. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-3: The officers seized personal property without cause.

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

FINDINGS OF FACT: The complainant alleged the officers seized the camera from her purse pursuant to the arrest of her boyfriend. One of the officers acknowledged seizing a camera, but said he and other officers found the camera inside the pocket of a jacket belonging to the complainant's boyfriend. The officer stated the complainant's boyfriend admitted the jacket belonged to him. Consequently, the officers seized the camera believing it to be evidence relating to the investigation of a crime that had been committed. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant implied that officers detained her pursuant to the arrest of her boyfriend. One of the officers stated they did not detain the complainant. Furthermore, the officer stated they did not search or touch the complainant, and they did not command her to submit to their authority. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers failed to properly process and return the complainant's property.

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

FINDINGS OF FACT: The complainant stated she has tried unsuccessfully to obtain the return of her camera seized from her purse. The officers contest whether the camera actually belonged to the complainant. The Incident Report lists the camera as evidence to be used in the trial of the complainant's boyfriend and the trial has not yet begun. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/02/10 **DATE OF COMPLETION:** 03/07/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied that the complainant complained of pain, injury or having been assaulted. The officer denied that the complainant requested a Citizen's Arrest. There were no witnesses. Medical Reports document that the complainant sought treatment for her hand. Medical diagnosis reported no abnormality to the hand. The investigation failed 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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DATE OF COMPLAINT: 06/03/10 **DATE OF COMPLETION:** 03/18/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officer arrested her without cause. The officer denied the allegation and stated that the complainant was detained, not arrested. The evidence shows that during the contact, the complainant who was hysterical and distraught, made comments to the officers that she would hurt and kill herself. The officer effected a mental health detention on the complainant and brought her to PES because she considered the complainant to be a danger to herself. The evidence shows that the complainant was not arrested but was taken for examination by a mental health professional. The evidence proved that the act alleged in the complaint, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2-4: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged that the officers used unnecessary force. The complainant said the officers pushed her to the ground. The complainant's companion who witnessed the incident stated that the officers did not push the complainant to the ground. On witness said the officers, at one point during the contact, tried to restrain the complainant, but she could not fully recall how they did it. This witness further said the complainant threw herself to the ground yelling and hysterical. Another witness said he could not recall the officers pushing the complainant to the ground or use any kind of aggressive force. He stated the officers used enough force to let the complainant, who was resistive, know that they needed to control her. A video taken during the incident shows that the complainant was aggressive that she needed to be controlled away from the officers by her companion. The video also shows the complainant repeatedly sat or kneeled herself to the ground in a sudden motion appearing to be upset and distraught. The video shows the complainant resisting while being controlled and placed in handcuffs. The evidence therefore proved that the act complained of did not occur.

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SUMMARY OF ALLEGATION #5-6: The officers failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant alleged that the officers failed to comply with the provisions of DGO 5.20. The complainant stated she spoke limited English but the officers failed to provide her with an interpreter or bilingual officer during the contact. The officers denied the allegation. The officers stated that there was no need of an interpreter or bilingual officer because the complainant spoke fluently in English. Witnesses statements show the complainant communicated with the officers in English. 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 #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/07/10 **DATE OF COMPLETION:** 03/15/11 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant said that she was just “people watching” when the officers asked her to leave the area and when she refused, the complainant alleged she was immediately attacked and subsequently taken into custody. The officers said that while on patrol, a reportee/victim told them that the complainant was yelling and spitting at her and others. After speaking with the complainant, the officers determined that the complainant was a danger to herself and others, placing her on a 72-hour detention for evaluation and treatment. The reportee/victim did not provide a statement to OCC. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said that she was just “people watching” when the officers asked her to leave the area and when she refused, the complainant alleged she was immediately attacked and subsequently taken into custody. The officers said that while on patrol, a reportee/victim told them that the complainant was yelling and spitting at her and others. After speaking with the complainant, the officers determined that the complainant was a danger to herself and others, placing her on a 72-hour detention for evaluation and treatment. The reportee/victim did not provide a statement to OCC. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4-5: The officers used excessive force during the complainant's detention.

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

FINDINGS OF FACT: The complainant said that one of the officers attacked her, which resulted in an injury to her elbow. The officers denied the allegation. The officers said the complainant struggled with them when they took her into custody. The officers stated the complainant did not have any visible injuries and did not complain of any injuries. San Francisco General Hospital (SFGH) medical records documented an injury to the complainant's elbow, but the records were inconclusive as to the cause or origin of the injury. The only known witness to this incident did not provide a statement to OCC. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers failed to maintain custody and secure property.

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

FINDINGS OF FACT: The complainant stated the officers did not transport her purse, which had her personal contents in it, along with \$300 from General Assistance. The officers denied the allegation and said that the purse was transported with the complainant. One of the officers said he turned over the complainant's bag and its contents to SFGH PES when the complainant was admitted. The only known witness did not provide a statement to OCC. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #8: The officer filed a false document.

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

FINDINGS OF FACT: The complainant alleged that the officer filed a false Application for 72 Hour Detention for Evaluation and Treatment. The officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATIONS # 1-2: The officer failed to log and report their use of force.

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

FINDINGS OF FACT: The complainant stated that one of the officers attacked her by using a martial arts type move. The complainant said she sustained an injury from her encounter with the officers. The officer stated there was no use of force on the complainant and that the complainant did not complain of pain or injury at the time of her detention. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #3: The officer failed to write a complete and accurate incident report.

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

FINDINGS OF FACT: The officer failed to write down what occurred during the struggle with the complainant. The complainant said she sustained an injury after her encounter with the officers. The officer denied the allegation and said the complainant was not injured, did not complain of injury and did not have any visible injuries. The officer stated there was no force used during a struggle with the complainant when he and another officer grabbed her arms to place her into handcuffs. The officer wrote the incident report and documented the contact with the complainant. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant denied his windows were tinted and alleged the officers were messing with him arbitrarily. The officers denied the allegation, and stated the van was stopped because the tint on the rear window was bubbling and represented an obstructed view in violation of Section 23222(b) of the California Vehicle Code. Photographic evidence and inspection by the OCC confirmed the Vehicle Code violation. The officer's actions were lawful and proper.

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

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

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

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SUMMARY OF ALLEGATIONS #4: The officer used profane language.

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

FINDINGS OF FACT: The complainant said the officer used profane language. The officer denied the allegation. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5-6: The officers used excessive force during the arrest.

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

FINDINGS OF FACT: The complainant said the officers used excessive force to remove him from his van, slammed him onto the pavement, applied handcuffs too tight, and kned him on the back of his head and back during the handcuffing process. The officers denied the allegation, said the complainant was pulled out of the van after he ignored commands to keep his hands on the steering wheel, and reached into the center console. The officers said they used a bar arm take down when the complainant continued his resistance outside the van. Once on the ground, the officers said they had to pull both of the complainant's arms from underneath his body to handcuff him. Department photographic evidence taken two hours after his arrest show the complainant sustained red marks to both wrists and abrasions to his back. Although there was a physical altercation to place the complainant into custody, there were conflicting statements and inconclusive evidence over the degree of force used to overcome his resistance. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7: The officer used excessive force while in custody.

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

FINDINGS OF FACT: The complainant said the officer kned him, punched him, bent his handcuffed arms excessively high behind his back, and then shoved him into the patrol car. The officer and a dependent witness on scene denied the allegation. Although the complainant reported injuries to his wrists and back two hours after his release, there was no other witness to either prove or disprove how the injuries were sustained. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant initially said the officer took a Cannabis card from his wallet. The complainant said he later found the card inside his van. The complainant admitted that he did not possess a Cannabis card because he did not want to pay fifty dollars to the state to get one issued. State records revealed that the complainant did not have a valid Cannabis card. The evidence established the complainant did not possess a valid California Cannabis Card at the time of his arrest, and that the officer did not commit the alleged act.

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SUMMARY OF ALLEGATIONS #9: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant was arrested for possession of marijuana. The evidence show that the complainant lacked a valid California Cannabis card at the time of his arrest for the possession of marijuana inside his motor vehicle in violation of Section 23222(b) of the California Vehicle Code. The officer's actions were lawful and proper.

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

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

FINDINGS OF FACT: There were conflicting statements as well as inconclusive photographic evidence, and incomplete medical records for the cause of red marks on the complainant's wrists and abrasions to his back. The officers stated the complainant denied any complaint of pain or the need for medical assistance. There is inconclusive evidence to determine whether the complainant was visibly injured upon his release to require a reportable use of force. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

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

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

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

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

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

FINDINGS OF FACT: The complainant alleged the officer made threatening remarks towards him during their conversation. The officer denied the allegation. Other officers on scene either denied the allegation or did not recall the officer behaving as alleged. An additional witness on scene declined to be interviewed for the investigation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used profane language.

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

FINDINGS OF FACT: The complainant alleged the officer used profane language. The officer denied the allegation. Several other witnesses on scene could neither prove nor disprove the allegation. An additional witness on scene declined to be interviewed for the investigation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant was on probation and alleged he was not issued a certificate of release as in prior detentions. The officer and other witnesses on scene did not recall seeing the complainant in handcuffs to require the issuance of a certificate of release. An additional witness on scene declined to be interviewed for the investigation. Department records indicate that no officer issued a certificate of release to the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6-7: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant alleged he asked dispatch to have his girlfriend removed from his room and arrested due to narcotics being present. Several officers denied the complainant mentioned anything about narcotics and further denied that the complainant requested the arrest of his girlfriend while they were at the hotel. The girlfriend declined to be interviewed for this investigation. The officers stated both parties admitted having a verbal argument only and agreed that to resolve the situation the girlfriend would temporarily exit the building. The officers also stated the girlfriend did not appear to be under the influence of narcotics or alcohol, there were no narcotics in plain view, so they lacked probable cause to search the room without a warrant or to arrest the girlfriend without probable cause. Other witnesses on scene gave conflicting statements about the extent of the investigation over the allegation that the girlfriend had narcotics or paraphernalia. There is insufficient evidence to either prove or disprove the allegation.

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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 said he was arrested based on misidentification. A witness said when the officers arrested them he was told the arrest was for a robbery. The complainant and the witness said the officers conducted Cold Shows and they were taken to jail. The officer said the vehicle in which the complainant was a passenger was identified in a robbery and the occupants identified as the robbers. Cold Shows were conducted and the complainant was positively identified. The Incident Report documents the victim and witnesses positively identifying the complainant. There were no other available witnesses. Based on the evidence the officers had probable cause to arrest the complainant. The evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers were biased toward the complainant due to race.

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

FINDINGS OF FACT: The officers denied the allegation. The traffic stop was based on expired registration displayed on the complainant's vehicle. During the traffic stop, the co-complainant was pat searched for officer safety before allowing him to walk over to a nearby restroom facility. The complainant corroborated her vehicle registration was expired and that the co-complainant agreed to the pat search prior to temporarily leaving the scene. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION # 3: The officer's behavior and comment was inappropriate.

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

FINDINGS OF FACT: The officer denied the allegation. He denied the request of the co-complainant to use the restroom facility in order to consult with his field-training officer. There is insufficient evidence to either prove or disprove the complaint.

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SUMMARY OF ALLEGATION # 4: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The other officer denied making inappropriate comments or yelling at the complainant. The witness officer said the complainant was yelling and screaming and the named officer could have raised his voice to be heard. The co-complainant said the complainant was upset and had a verbal argument with the officer. There is insufficient evidence to either prove or disprove the complaint.

SUMMARY OF ALLEGATION #5: The officer failed to provide his name and star number when requested.

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

FINDINGS OF FACT: The officer stated he provided his name and star number when requested once while standing near the complainant and again while entering his patrol car. The co-complainant stated the officer provided his name and badge number not once, but twice to 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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SUMMARY OF ALLEGATION #6: The officer pat searched the co-complainant without parental consent.

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

FINDINGS OF FACT: The officer pat searched the co-complainant prior to allowing him to use the restroom facility during the traffic stop. The co-complainant stated that he gave the officer permission to search him. The officer is required to pat search a detained person that temporarily leaves the scene for officer safety. The witness officer corroborated the co-complainant had to be pat searched for officer safety reasons. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #7: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The officer denied the allegation. He recalled a female walking over and approaching the driver's side door near the complainant. The officer asked the female to get back from the complainant and her vehicle for officer safety issues. The witness officer corroborated a female walked towards them and was asked to step back and wait for the completion of the traffic stop. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 06/16/10 **DATE OF COMPLETION:** 03/04/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleges that the named officer treated her badly due to her race. The complainant was not able to provide any details about the basis of this allegation. Both the named officer and the witness officer vigorously denied this allegation. The officers stated that they were unaware of the complainant's race when they initiated the traffic stop, and that race did not play any role in the stop. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleges that the named officer spoke to her in a rude and aggressive manner and came over to her car fast and aggressively. The named and witness officers both denied these allegations. No other witnesses came forward. There was insufficient evidence to either prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant alleges that the named officer closed her car door on her foot or ankle as she was getting back into her car. The named officer stated that the complainant closed the door herself and that his hand was merely resting on the outside of the door to keep her from opening it back up again. The witness officer did not observe what happened in terms of the door being closed. No other witnesses came forward. There was insufficient evidence to either prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officer failed to follow proper procedures as detailed in DGO 5.08.

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

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

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

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

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

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SUMMARY OF ALLEGATION #5-6: The officer detained the complainant for a prolonged period of time without justification.

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

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

SUMMARY OF ALLEGATION #7-8: The officer searched a residence without cause.

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

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

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SUMMARY OF ALLEGATION #9-10: The officer failed to make the required traffic stop data entry.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged that the officers detained him without justification. The officers stated they had a brief conversation with the complainant but denied detaining him. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

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

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

FINDINGS OF FACT: The complainant alleged that the officer harassed him by leaving several voice and text messages. The officer stated he called the complainant several times to arrange a meeting so he could arrest the complainant for driving away in a stolen vehicle. 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: Officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated she was told not to stand on her porch and for her to go inside her residence or she would be subject to arrest. The complainant denied that she had been drinking. The officers denied the allegation. The officers stated the complainant was intoxicated and was told that she could be subject to arrest for being drunk in public. One witness heard the officers telling the complainant, "Okay ma'am go home," but the complainant refused. The witness heard the complainant say she would move her car and the officers responded that they would give her a ticket for driving under the influence (DUI). Another witness did not respond to OCC request for an interview. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATION #2-3: The officers exhibited inappropriate comments and behavior.

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

FINDINGS OF FACT: The complainant stated that the officers were rude and accusing her of being drunk and driving drunk. The complainant said the officers were trying to provoke her into an arrest. The complainant said she was told to shut up or they would arrest her. The officers denied the allegation. One witness stated the complainant was drunk, barefoot, aggressive towards her, and was intimidating her prior to the police arrival. The witness said the officers were polite to the complainant and stated the complainant's friend was quiet. This witness did not witness the entire interaction between the complainant and officers. Another witness did not respond to OCC request for an interview. There is insufficient evidence to prove or disprove the allegation.

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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 an officer used profanity. The officers on-scene denied the allegation. One witness did not witness the entire contact between police and the complainant. Another witness did not respond to OCC request to be interviewed. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated the officers gave her a ticket for not curbing her wheels and for not having the registration Month tab to harass her. The complainant admitted that she never was issued a "Month" tab. The officer denied the allegation. There is insufficient evidence to prove or disprove that the officer wrote the citation to harass the complainant.

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SUMMARY OF ALLEGATION #6-7: The officers engaged in bias policing due to race.

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

FINDINGS OF FACT: The complainant stated the officers were racist and harassing her because she was Caucasian and they were of Hispanic/Latin and Asian descent. The complainant stated the officers were trying to provoke her into an arrest and cite her for no reason. The officers denied the allegation. One witness did not witness the entire interaction between the police and the complainant. Another witness did not respond to OCC requests for an interview. 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.

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately during their telephone conversation. The officer denied the allegation. 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: The officer used unnecessary force.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers comments and/or behavior were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officers laughed at him and made an inappropriate comment. The officers denied the allegation. No independent witnesses were identified or came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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 that the female officer wrote him a citation for fare evasion. The complainant stated that he handed a transfer with a phone number on it to a female as she entered a bus. The complainant denied that he was attempting to evade a fare payment. The officer and her partner denied having any specific recollection of the contact with the complainant. No independent witnesses were identified or came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation or to prove or disprove the intent of the complainant as required in the San Francisco Transportation code for the issuance of a citation.

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

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

FINDINGS OF FACT: The complainant stated he was wrongly arrested for being intoxicated; however he stated he was not intoxicated. The reportee, a security officer, called 911 and reported the complainant was intoxicated and should be moved along. The named officer stated he arrested the complainant for being intoxicated, for delaying and for not complying with the officer's commands. The witness officer stated he has a rapport with the complainant and stated that the complainant is a good person, and that he is an alcoholic and becomes belligerent when drinking. The witness officer also stated he had to assist the named officer in taking the complainant into custody because he was not complying or obeying lawful commands. The jail medical records indicate that the complainant admitted that he drinks daily. Jail records show that he was booked for resisting lawful orders and when released to the Sheriff's detention facility. The complainant was placed into a sobering cell to be released when sober. The reportee/witness did not come forward. The evidence, when considered in total, show that the officers action were lawful and proper.

SUMMARY OF ALLEGATIONS #2: The officer used excessive force.

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

FINDINGS OF FACT: The complainant stated that the officer cranked down the handcuffs on his wrists and broke his left wrist. The officer denied the allegation. The witness officer stated there was no use of force. The jail medical records document that the complainant reported wrist injury from tight handcuffs. The records document that there is a swelling /bulging mass but no redness and appears to be an old injury. The reportee/witness did not come forward. There is insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/10 **DATE OF COMPLETION:** 03/23/11 **PAGE # 2 of 2**

SUMMARY OF ALLEGATIONS #3: The officer failed to process property per department procedure.

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

FINDINGS OF FACT: The complainant stated the officer stole his watch. The officer denied the allegation. The witness officer did not notice a watch on the complainant. There was no watch listed in the complainant's property slip. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/10 **DATE OF COMPLETION:** 03/24/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to take a stolen vehicle report from the complainant.

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

FINDINGS OF FACT: The complainant stated he tried to file a stolen vehicle report at Tenderloin Station but that the person at the counter refused to take the report after consulting with his supervisor. The person at the counter, who is not a sworn member of the Department, told the OCC that he could not write a stolen vehicle report for the complainant because the vehicle had been towed and was at Auto Return, the City's towing company. In addition, he said he made this decision independently and could not recall whom he consulted with when he denied the complainant's request for a stolen vehicle report. OCC's investigation established that the complainant's vehicle was, in fact, at Auto Return when the complainant attempted to file a stolen vehicle report. The investigation further established the refusal to take the report was consistent with San Francisco Police Department policy. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper. It should be noted that the identity of the supervisor could not be established.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/26/10 **DATE OF COMPLETION:** 03/23/11 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer wrote an incomplete citation.

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

FINDINGS OF FACT: The officer said the missing information on the citation was discretionary. The applicable rules are silent on the matter. In the absence of affirmative language the officer has discretion. The evidence proved that the acts, which provided the basis for the allegation, occurred, however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 08/09/10 **DATE OF COMPLETION:** 03/11/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officers admitted to using force but said they did so only when the complainant failed to cooperate with their verbal orders. The two reporting parties denied witnessing the contact between the officers and the complainant. The Force Log documents the two officers use of ‘physical control’ and ‘baton/strike or jab’ with a comment that the complainant resisted and sustained a contusion to the left side of his head. An ambulance was called to the scene and transported the complainant to the hospital. San Francisco General Hospital Emergency Department Record document a left elbow abrasion, facial abrasion/contusion and chest wall contusion. The Record does not document any of the other alleged injuries. The San Francisco Sheriff Department Jail Medical Report documents some minor facial abrasions, chest wall contusion and need for X-ray follow-up at San Francisco General Hospital. The Report does not document any of the other alleged injuries. The complainant did not seek out follow-up medical attention or treatment for his injuries. There is insufficient evidence to establish the level of force necessary to arrest the complainant.

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

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

FINDINGS OF FACT: The complainant said he was walking to McDonald’s Restaurant when officers rushed him and ordered him to put his hands behind his back. Before he could do so the officers grabbed him and used unnecessary force. The officers said the complainant had been identified by two witnesses as a suspect and that when he ignored their verbal orders, was uncooperative and walked away from them they arrested him for delaying, and for an outstanding felony warrant. The officers’ conduct was proper.

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DATE OF COMPLAINT: 08/09/10 **DATE OF COMPLETION:** 03/11/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers brought false charges against the complainant.

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

FINDINGS OF FACT: The complainant denied resisting the officers. The two officers said the complainant resisted them from the outset and up and until the officers had him handcuffed. Two witnesses denied seeing the contact between the officers and the complainant, so there is insufficient evidence to prove the booking charges for resisting arrest, as there were no other identified witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/18/10 **DATE OF COMPLETION:** 03/15/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer used excessive force on her and threw her to the ground during her arrest. The complainant admitted to being intoxicated prior and during the officer's attempt to arrest her. The officer denied the allegation, and stated he did not use any physical force or throw the complainant to the ground. Video footage of the incident showed the fall to the ground, but is inconclusive that the officer purposely threw or propelled the complainant to the ground. Subject matter experts on arrest and control techniques were not able to confirm after viewing the video that the officer purposely threw the complainant to the ground. One independent witness recorded an interview with the OCC and stated he felt the officer may have thrown the complainant down to the ground, however, he stated the complainant was very resistant and felt the officer was correct in his technique. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers failed to maintain custodial control.

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

FINDINGS OF FACT: The complainant stated she was thrown to the ground and sustained injuries during her arrest. The officers stated the complainant was intoxicated, very strong, and resisted their verbal and physical attempts to handcuff and place her in their patrol vehicle. One of the officers further stated that he tried to maintain control of the complainant, however, because of her combative actions she fell and sustained injuries. Video footage of the incident shows the complainant being verbally and physically resistive toward the officers during her arrest. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 08/26/10 **DATE OF COMPLETION:** 03/11/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer stated the complainant harbored a fugitive, lied about being on probation and delayed an investigation. The complainant acknowledged the suspect hiding from the police in the immediate vicinity of his house was his cousin. He also stated he lied to officers about being on probation and refused to allow officers to go into his house. The officer had probable cause to arrest the complainant. The officer's action was proper.

SUMMARY OF ALLEGATIONS #2-5: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant alleged that officers punched him in the face, pulled him up by his hair, smashed his face against a wall, banged his head against the doorframe of a patrol car and beat him with a newspaper. He stated he refused medical attention at the station. He stated he refused to allow the medics to take photos of him.

According to jail medical records, his only visible injury was a small laceration in his mouth for which he was prescribed ibuprofen. Other than wrist pain from handcuffing, he described no other injuries.

According to San Francisco General Hospital records, his injuries consisted of wrists abrasions from handcuffs and left elbow pain.

The officers stated when they entered the complainant's apartment, the complainant took a fighting stance. One officer was able to handcuff one of the complainant's hands before he bent over and then stood up and arched his back, slamming two officers against a wall. A third officer then delivered an Academy-approved heel palm strike to the complainant's chest. The complainant stopped resisting, sat on the floor and refused to stand up. Two officers carried him to the patrol car. The Station Keeper stated the complainant complained of pain "all over his body" and she called for an ambulance. She stated when the medics arrived, the complainant refused to answer their questions or go to the hospital. There were no other witnesses or additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 08/24/10 **DATE OF COMPLETION:** 03/31/11 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that he was issued a citation without cause but during his OCC interview admitted that he may have rolled through a stop sign without coming to a complete stop. The officer stated that he observed the complainant drive through a stop sign without coming to a complete halt and issued a citation to the complainant for that violation. The evidence showed that the act alleged did occur, however, using as a standard the applicable Department rules and regulations, the act was proper and lawful.

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

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

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

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DATE OF COMPLAINT: 08/24/10 **DATE OF COMPLETION:** 03/31/11 **PAGE #2** of 2

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

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

FINDINGS OF FACT: The officer admitted that he failed to follow Department procedures and policies when he neglected to record E585 traffic stop information as required by Department Bulletin 08-268. SFPD legal reported that the officer did not comply with E585 requirements. 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 violated Department procedures and policies.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/27/10 **DATE OF COMPLETION:** 03/09/11 **PAGE #** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated he was playing loud music when his neighbor's boyfriend came to his apartment and assaulted him. He called 911 because he wanted the suspect arrested, however he changed his mind after the officer told him the suspect could also press charges. The officers stated the complainant was intoxicated and was unclear on what he wanted. The officers found no evidence of an assault. The witness denied that her boyfriend assaulted the complainant. The CAD documents that complainant called 911 four times reporting the same incident within a span of 12 minutes. The CAD also documents that the complainant requested an ambulance from 911, however, the officers canceled the ambulance as they saw no injury. The complainant did not seek medical treatment on his own. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers failed to take an incident report.

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

FINDINGS OF FACT: The complainant stated he wanted a police report to document the incident but the officers did not take one. Officers stated the complainant did not ask for a report and stated there was no evidence of criminal conduct and no injury. The other officers stated they did not have contact with any of the parties and do not know what was said. There were no other witnesses. The complainant acknowledged that he was intoxicated. There is insufficient evidence to prove or disprove that the complainant asked for a report at that time. The complainant later called the police the same day to take a report.

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SUMMARY OF ALLEGATION #5: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated he was upset and used a racial slur to refer to the suspect. The complainant stated the officer took the comment personally as he was African American and told the complainant, "I am one too." The complainant believed the officer was unprofessional and took the term personal and believed this to be the reason for no arrest and no report. The officer denied the allegation. There were no 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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DATE OF COMPLAINT: 09/13/10 **DATE OF COMPLETION:** 03/15/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 1, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 09/13/10 **DATE OF COMPLETION:** 03/18/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officers detained a person without justification.

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

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

SUMMARY OF ALLEGATION #2: The officers used force during detention.

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

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

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SUMMARY OF ALLEGATION #3: The officers behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/05/10 **DATE OF COMPLETION:** 03/31/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The preponderance of the evidence established that SFPD officers responded and facilitated entry into the complainant's residence for Special Agents of the U.S. Department of Justice, pursuant to a San Francisco Superior Court authorized search warrant. The officer's conduct was lawful and proper.

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

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

FINDINGS OF FACT: The preponderance of the evidence established that SFPD officers responded and may have searched inside the complainant's residence on behalf of Special Agents from the U.S. Department of Justice, pursuant to a San Francisco Superior Court authorized search warrant. The officer's conduct was lawful and proper.

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

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

FINDINGS OF FACT: The complainant had a served restraining order in effect against another party. She alleged the officers failed to enforce the order. The officers denied the allegation. The witness disputed the complainant's contention. The witness overheard the officers instruct the party she was in violation of the order and could be subject to arrest if she returned to a shared common area while the complainant was at the scene. The witness also stated the officers attempted to broker a resolution of the ongoing dispute between the parties, but they continue to appear at the same location. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer had a personal relationship with the restrained party. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 09/24/10 **DATE OF COMPLETION:** 03/11/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used harsh and profane language.

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

FINDINGS OF FACT: The complainant alleged that the officer shouted and swore at him. The officer denied the allegation. The witnesses, who were not present during the entire interaction between the complainant and the officer, did not hear the officer use harsh and profane language. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer behaved in a hostile manner towards the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer behaved in a hostile manner towards him. The officer denied this allegation. The witnesses, who were not present during the entire interaction between the complainant and the officer, did not observe the officer behaving in a hostile manner towards the complainant. 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 failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officers failed to investigate her claims of a burglary and prepare an incident report to document the burglary. The officers stated they responded to the residence where the burglary was reported, however, the complainant refused to answer preliminary questions to ascertain if a crime had been committed to be reported. The complainant would not identify herself or provide information regarding her residence. The complainant admitted to not answering identity and residence questions while the officers were at her residence attempting to investigate her claim. There was an unidentified male present with the complainant but the complainant refused to provide his identity in order for the OCC to interview him as a possible witness. The OCC investigation determined that the officers did respond and investigate this incident, but were not able to document a crime because there was no evidence that a crime had been committed due to the lack of cooperation by the complainant. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #3: The officer was rude and inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer was rude to her during their encounter. The officer denied the allegation. The other officer on scene stated the named officer did not have any contact or conversation with the complainant and did not know why the complainant made this complaint. The only other witness is an acquaintance of the complainant, however, the complainant refused to provide his identity. There was insufficient evidence to either prove or disprove the allegation made in this complaint.

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SUMMARY OF ALLEGATIONS #4: The officer refused to provide his name and star number.

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

FINDINGS OF FACT: The complainant stated the officer refused to provide his name and star number. The officer denied the allegation and stated the complainant walked up to him to write his name and star number down and he made no attempts to stop or dissuade her. The other officer on scene stated the named officer did not refuse to provide his name and star number and furthermore had not contact or conversation with the complainant. The only other witness is an acquaintance of the complainant, however, the complainant refused to provide his identity. There was insufficient evidence to either prove or disprove the allegation made in this complaint.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/25/10 **DATE OF COMPLETION:** 03/04/11 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer searched the complainant's home without justification.

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

FINDINGS OF FACT: The complainant's son was on parole and living at her home. On the date of the incident in question, a false bomb threat was called into a church. Officers believed the threat to have been made by the complainant's son, based on their familiarity with his voice and prior calls of a similar nature that he had made. The named officer, along with two other officers, searched the common areas of complainant's home, which they were allowed to do according to the terms of her son's parole. The evidence proved that the search was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #2 and #3: The officers arrested the complainant's son without cause.

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

FINDINGS OF FACT: The complainant's son was arrested for threatening to commit a crime, making a false bomb threat, and violating his parole. The incident report documents the evidence that the officers had to make this arrest. The evidence proved that the arrest was justified, lawful, and proper.

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DATE OF COMPLAINT: 10/29/10 **DATE OF COMPLETION:** 03/17/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers failed to maintain knowledge.

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

FINDINGS OF FACT: The complainant stated that the officers failed to maintain appropriate knowledge with regard to a specialized proceeding. She alleged the officers exposed her to danger and that they forced her to engage in victim-offender mediation against her will. The OCC conducted its own investigation. The officers did not force the complainant to mediate against her will. The officers offered the complainant confidential communication. Although the hearings are not hearings of record, the officers at the scene offered numerous security measures known and unknown to the complainant in a quasi-judiciary setting. The evidence proved that the acts, which provided the basis for the allegations, occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/25/10 **DATE OF COMPLETION:** 03/30/11 **PAGE #**1of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer's "tone of voice was too loud." The complainant further alleged the officer tried to get the complainant's adult daughter to make a statement that differed from the statement the complainant made to the police. The officer denied the allegation and stated that the complainant intimidated her daughter into providing different, untruthful versions of events. The officer's partner supported the named officer's statement. He further stated the officer was respectful and completely professional during this incident. Neither the complainant nor her daughter responded to repeated contact attempts. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The complainant stated he witnessed an assault and called 911. He provided a description of the assailant. The dispatcher also asked the complainant to describe himself so the officers could find him. After identifying the assailant to the police, the complainant began walking to an appointment. A few minutes later, the complainant was stopped by a different officer and told to place his hands behind his head. Just as he was being handcuffed, a patrol car arrived and told this officer that the suspect had been found. The officer released the complainant and apologized to him. The investigation was unable to yield the identity of the detaining officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/23/10 **DATE OF COMPLETION:** 03/15/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on February 22, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/01/10 **DATE OF COMPLETION:** 03/16/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on February 24, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/01/10 **DATE OF COMPLETION:** 03/31/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant placed one “C” priority call to DEM advising that her ex-boyfriend grabbed her by the arm and took off. The complainant did not leave a call back number and said she was afraid to go home. One of the units that received the broadcast message had to respond to other priority calls. The CAD record indicates a unit responded to the location of the subject incident approximately three and a half hours after the complainant made the phone call. By that time, the complainant had left the area and the responding officers were unable to locate the complainant. The complainant has not been interviewed by OCC despite various attempts made.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

NOTES:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/07/10 **DATE OF COMPLETION:** 03/15/11 **PAGE #1 of 1**

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

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

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

SUMMARY OF ALLEGATION #2-4: The officer engaged in biased policing.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on February 28, 2011.

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DATE OF COMPLAINT: 12/07/10 **DATE OF COMPLETION:** 03/15/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers invaded the complainant's privacy.

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

FINDINGS OF FACT: The complainant alleged the officers entered her bathroom while she was taking a shower. The officers stated they responded to a large building of shared residences and bathrooms. They stood outside the open door to the shared bathroom and announced their presence. They waited for the complainant to get dressed before they spoke with her. The building manager witnessed this incident and confirmed the officers' version of events. The allegation is unfounded.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer did not advise him he was going to issue a parking citation for being parked in a bus zone. The officer did not remember the incident or any conversation he had with the complainant. The witness officer did not remember the incident or any conversation the named officer had with the complainant. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT The complainant stated the officer was rude to him when he admonished him for being parked in a bus zone. The officer did not remember the incident and denied the allegation. The witness officer did not remember the named officer's demeanor. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 12/14/10 **DATE OF COMPLETION:** 03/30/11 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer was rude, threatening and made inappropriate comments.

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

FINDINGS OF FACT: The officer observed a vehicle operating with no rear license plate; an enforcement stop was effected and the driver (complainant) was subsequently found to be DUI and was arrested. During the arrest and booking process, the complainants alleged the officer was rude, intimidating, made inappropriate comments to both she and her husband and made a derogatory statement towards people of Italian ancestry. The officer denied the allegations. No independent witnesses were developed in this investigation. There is insufficient evidence to either prove or disprove the complainant's allegations.

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

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

FINDINGS OF FACT: The officer observed a vehicle operating with no rear license plate; an enforcement stop was effected. Upon contact with the driver (complainant), she displayed objective symptoms consistent with alcohol intoxication, e.g., lack of balance, slurred speech, odor of alcohol. The driver was asked to perform several field sobriety tests (finger tap, balance, straight line and alphabet), for which she failed. The Driver was arrested and transported for DUI possessing. At the police station, an Intoxilyzer breath test revealed the complainant's BAC to be .22% which is almost three-times the legal limit. Upon adjudication, the complainant pled guilty in Superior Court to 23152(b) CVC and was sentenced. Based on the totality of facts and circumstances, the investigation has determined that the DUI arrest was lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged that during her arrest, the officer twisted her arm, placed the handcuffs on too tightly and slammed her into a patrol car. The officer denies all allegations. The complainant's husband supports one of her allegations (arm twist); however, he denied she was ever slammed into a car; a witness (cover officer) that was on scene also refutes the complainant was ever slammed into a car. Based on the totality of facts and circumstances, the investigation failed to disclose sufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #4: The officer failed to take the required actions by not adhering to proper DUI and prisoner property procedures.

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

FINDINGS OF FACT: The complainant alleges that after she failed her breath test, the named member violated policy by not giving her an opportunity to provide an additional (blood or urine) sample. The complainant further alleges that during the booking process, the named officer violated policy by not "sealing" her prisoner property envelope.

Although it is recommended that officers should read the Trombetta (23614 CVC) advisement to persons arrested for DUI and give them an opportunity to provide an additional sample, nowhere is it mandated. Refer to SFPD DUI Training Manual, LD28, 3-39.

Pertaining to the complainant's allegation that her prisoner property envelope was not sealed (at the police station), the named officer explained the reason he didn't seal the envelope was because she hadn't yet been booked. The named member further explained that he took her personal belongings at the station and placed them in a property envelope—to be thoroughly inventoried upon arrival at SFSD County Jail.

The complainant did not claim any of her property was missing. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, the acts were justified, lawful, and proper.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with DB 08-268; Traffic Stop Data Collection Program.

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

FINDINGS OF FACT: The officer observed a vehicle operating with no rear license plate; an enforcement stop was effected and the driver (complainant) was subsequently found to be DUI and was arrested.

Department policy mandates that members enter the applicable information obtained from traffic stops into the appropriate computer database. The officer failed to do so. When questioned, the officer admitted that he “forgot” to enter the traffic stop data information because his initial traffic stop for an infraction (no license plates) had escalated into an arrest.

The officer failed to comply with SFPD DB 08-268 by not recording the appropriate traffic stop data collection information as required by department policy. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged that the officer refused to take a report. The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/19/10 **DATE OF COMPLETION:** 03/31/11 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the officer exhibited a rude demeanor, did not care about their situation, and immediately escalated by going to the extreme in requesting that they move the car or it would be towed. The officer stated he listened to the complainant, the son, and the husband's explanation, however, they wanted him to take back the citation just because the husband was a retired SFPD officer. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer cited them for parking in a white zone while she was in the car with her son, and her husband was inside the terminal looking for a missing bag. The officer stated that he issued a citation for parking in a white zone, which is only authorized for active passenger loading and unloading with no parking and no waiting. He said signs are clearly posted. Per DGO 9.02, officers can use their discretion whether or not to issue parking tickets.

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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 the withdrawal of the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/30/09 **DATE OF COMPLETION:** 03/30/11 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The co-complainant was a suspect in a criminal investigation in which his car was allegedly used in the crime. The co-complainant was identified by witnesses in a Cold Show. The officer had sufficient probable cause to arrest the co-complainant. The actions of the officer were justified, lawful and proper.

SUMMARY OF ALLEGATION 2: The officer had a vehicle towed and a hold placed thereon without cause.

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

FINDINGS OF FACT: The vehicle was identified by witnesses as having been used in the crime. The officer had probable cause to tow the vehicle and place a hold thereon. The actions of the officer were justified, lawful and proper.

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

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

FINDINGS OF FACT: Department General Order 9.06 II (a) requires officers to issue a Notification of Tow Hearing (SFPD Form 387) when towing a vehicle pursuant to an arrest. The officer confirmed that he instructed officers at the scene to tow the complainant's son's car. The officer said the tow and the tow hold that was placed on the vehicle was for a Robbery Division investigation, not for a traffic offense, and therefore SFPD Form 387 was not required. The officer said the vehicle section of the Incident Report containing the SFPD Form 387 box does not apply under the circumstances and therefore he did not tell anyone to fill out the 387 form. There is a conflict between DGO 9.06 II (a) and 9.06 III (f.), as well as confusion around the fact that the SFPD 387 form is a STOP program form, and this arrest tow was not related to the STOP program. The Department lacks a clear and coherent policy regarding issuance of a Notification of Tow Hearing when a vehicle is towed for investigation.

Additionally, as the officer who authorized both the tow hold and its release, the officer was responsible for informing the complainants that the hold on their vehicle had been released and they could recover their vehicle. To the extent that the San Francisco Police Department does not have policies or procedures that provide immediate notification to owners that their seized property is available for return, the OCC recommends that the Department immediately implement such a policy.

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

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

FINDINGS OF FACT: The officer prepared a statement to the incident report documenting that he and his partner initiated a traffic stop and that shortly after the vehicle stop the investigation was turned over to officers investigating the underlying robbery incident. The officer was not involved in the decision to tow or place a tow hold on the vehicle and therefore was not responsible for providing the required documentation related to the tow and told hold. The evidence proved that the named member was not involved in the acts alleged.

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

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

FINDINGS OF FACT: The officer wrote the incident report. The officer denied that it was his responsibility to document in the Incident Report that the Form 387 was provided by checking the appropriate box located in the vehicle section of the report. There is a conflict between DGO 9.06 II (a) and 9.06 III (f.), as well as confusion around the fact that the SFPD 387 form is a STOP program form, and this arrest tow was not related to the STOP program. The Department lacks a clear and coherent policy regarding issuance of a Notification of Tow Hearing when a vehicle is towed for investigation.

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SUMMARY OF ODD ADDED ALLEGATION #3: The officer failed to supervise.

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

FINDINGS OF FACT: The officer confirmed that she was the Incident Report reviewing officer and as such it is her responsibility to make sure all the elements of the crime are contained in the report, that the narrative is cohesive and to check spelling and grammar. The officer said the 387 box in the vehicle section of the Incident Report regarding the Notice of Tow Hearing form was not something she missed but something she said in her experience and training did not apply because the vehicle tow and tow hold was placed at the behest of an Inspector of the Robbery Division. The officer said it is her understanding that the 387 form is to be given in cases involving driving on a suspended driver's license or driving without a valid driver's license and not when a vehicle is towed and held pending a criminal investigation. In this case a Robbery Division Inspector would be responsibility for releasing the vehicle and a STOP hearing does not apply, therefore the 387 box was not checked as the driver would not have been given the 387 Form to begin with. This incident involved a Robbery investigation with a Robbery Division tow and tow hold.

There is a conflict between DGO 9.06 II (a) and 9.06 III (f.), as well as confusion around the fact that the SFPD 387 form is a STOP program form, and this arrest tow was not related to the STOP program. The Department lacks a clear and coherent policy regarding issuance of a Notification of Tow Hearing when a vehicle is towed for investigation.

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:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on February 23, 2011.

SUMMARY OF ALLEGATION #2: The officer failed to take 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 February 23, 2011.

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DATE OF COMPLAINT: 01/07/11 **DATE OF COMPLETION:** 03/15/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 and 2: The officers failed to take an incident report.

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

FINDINGS OF FACT: The complainant stated the officers failed to take an incident report in response to his complaint of a burglary at his apartment. Both officers stated that the complainant became angry and asked them to leave the apartment before they could complete their investigation and obtain the information necessary to write an incident report. 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 made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officer “gave him a lot of mouth.” Both officers described the named officer’s conduct as polite and professional. 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 #4: The officer refused to provide his star number when the complainant requested it.

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

FINDINGS OF FACT: The complainant stated that the officer refused to provide his badge number when the complainant asked for it. The named officer stated that he did provide his badge number but that the complainant may not have heard him. 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 #:

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

FINDINGS OF FACT:

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

SUMMARY OF ALLEGATION #1: The officer failed to return property.

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

FINDINGS OF FACT: The complainant stated that his nephew was arrested when his nephew was bringing baseball playoff tickets to him and that the officer has not returned the tickets to the complainant. Department records show that that complainant's nephew was arrested for illegal ticket sales when he sold the playoff ticket to an undercover officer. The officer stated that he would not return the tickets to the complainant because the tickets were not taken from the complainant but from the complainant's nephew. The officer stated that when the tickets are authenticated they would be returned to the person they were taken from – the complainant's nephew. The investigation showed that the act alleged did occur, however, said act was proper and lawful pursuant to Department policies and procedures.

SUMMARY OF ALLEGATION #2: The officer practiced biased policing due to the complainant's race.

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

FINDINGS OF FACT: There is NO evidence proffered by the complainant to lend any credence to the allegation that race had any bearing on the return of the ticket. The money that was confiscated was returned, race had no bearing on this issue. The baseball ticket is still being held as property and the named officer articulated sufficient cause / justification for the ticket to be held as evidence. Recommend a finding of unfounded for the allegation.

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

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

FINDINGS OF FACT: The complainant admitted to loitering in front of a business establishment on a daily basis and having previous contacts with the officer. However, he alleged the officer had no right to detain him. During his OCC interview, the complainant admitted selling bus transfers at the location to make a little money. The officer previously cited the complainant for selling bus transfers at the same location and under the same circumstances. Furthermore, the officer indicated merchants in the area complained of individuals loitering in front of their business establishments, and these merchants said such activity drove customers away from their businesses. The merchants requested police assistance in enforcing the no-loitering code. 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 cited the complainant without cause.

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

FINDINGS OF FACT: The complainant admitted to loitering in front of a business establishment and selling bus transfers to make a little money. However, he alleged the officer had no right to cite him. During his OCC interview, the complainant said a friend gave him the bus transfers to hold. The officer articulated reasons for detaining the complainant. The officer and his partner were in a covert position and observed the complainant selling transfers. Once the officers detained the complainant, the officer said the complainant handed him thirty-two transfers and the officer found an additional seventy-nine in the complainant's jacket pocket. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant said the officer had no right to search him. The officer cited the complainant for selling bus transfers. After detaining the complainant, the officer told the complainant to hand over the bus transfers and the complainant handed thirty-two transfers to the officer. The officer conducted a search of the complainant incident to arrest, and the officer found an additional seventy-nine bus transfers in the complainant's jacket pocket. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant said the officer has stopped him on three occasions for the same violation, and considered his most recent detention by the same officer as harassment. The officer admitted stopping the complainant on previous occasions but denied harassing the complainant. The officer described the complainant's actions, which supported the officer's belief the complainant continued to engage in on-going illegal activity. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.