

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/11 **DATE OF COMPLETION:** 05/23/11 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant alleged that the officer has been following him around the city. The officer denied knowing who the complainant is and denied the allegations. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to investigate a complaint he made to the officer. The officer stated that he had no recollection of receiving the complaint. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant said both officers wrote him a citation on separate occasions for having no permit and for placing a piece of yellow electric tape to his car's bumper. The officers stated the complainant was caught doing business at the airport without an airport permit and had placed a piece of yellow tape exactly the shape of the permit decal on his bumper. The officers cited him for no permit and for false representation of San Francisco Airport permit decal. The complainant admitted that he had no airport permit but stated the yellow sticker he placed was to cover a scratch on the bumper and not to serve as a fake decal. Although the District Attorney did not prosecute the case, the officers properly performed their duties when they cited the complainant.

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

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

FINDINGS OF FACT: The complainant described the officer as a racist and aggressive because he treated him like a criminal and threatened to take him to jail. He said the officer wanted to ruin his record by charging him with a misdemeanor and making it difficult for him to fight the citation, waste time, and money. The complainant added that the officer was out of line when he questioned the amount he was charging a client. The officer stated that although the complainant is a repeat offender and he has cited him previously on numerous occasions, he has always remained cordial and professional when dealing with him. The officer said he has never spoken any ill words against the complainant, nor has there ever been any derogatory references to race or appearances. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

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

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

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

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

San Francisco's Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Room #350
San Francisco, CA 94102
(415) 554-2380

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

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

FINDINGS OF FACT: The complainant alleged that the officers detained him without justification when he was using the restroom in Golden Gate Park. The officers stated that they noticed the complainant riding his bicycle on the sidewalk in an unsafe manner and that, when they tried to detain him, he rode off toward the restroom. The officers also stated that the complainant matched the description and location of a suspect that was broadcast over dispatch immediately prior to their initial viewing. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force against him by pushing and slamming his face against the bathroom wall tile, using a metal baton to keep the complainant's face pinned up against the wall, and grabbing and twisting his left arm. The officer denied all of these allegations. The witness officer stated that she did not observe the named officer commit any of the alleged acts. Both officers stated that the complainant did not complain of any pain or request medical assistance, and that they did not observe any visible injuries on the complainant. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer made rude comments and exhibited a rude manner.

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

FINDINGS OF FACT: The complainant stated that she got into a minor collision with a parked car. When the driver of this car insisted on calling the police, the complainant called him an asshole and said she was going to get coffee and would return. The complainant then went to a nearby coffee shop, got coffee and returned to her car and waited inside it until the officers arrived. The complainant stated that one of the officers made rude and sarcastic comments about the complainant going to get coffee and exhibited a rude manner. The man whose car the complainant struck stated that he summoned the police after the complainant refused to exchange information with him. He stated that the complainant yelled profanities at him, said she was going to a nearby coffee shop and left the scene. This witness stated that the complainant was extremely rude to him. This witness stated that the responding officers told the complainant that one couldn't leave the scene of a collision to get coffee, especially if you haven't shared your information with the other driver. This annoyed the complainant. This witness stated that he did not hear everything said between the named officer and the complainant, but did not hear the statements described by the complainant. He stated that the named officer did not make the sarcastic statements the complainant claimed she made to this witness.

Department records confirm that the other driver called police, reported that the complainant's car struck his and that when he asked her to exchange information, she called him a curse word and said she was going to a coffee shop.

The named officer's partner stated that the named officer tried to explain to the complainant that it was against the law to leave the scene of accident and that it was inappropriate for her to have left the scene to get coffee. The witness officer stated that he did not recall the named officer making the inappropriate statements attributed to her by the complainant.

The named officer stated that she repeatedly attempted to explain to the complainant that it was against the law to leave an accident scene, but the complainant maintained that her leaving to get coffee was not significant. The named officer denied making the rude or sarcastic comments attributed to her by the complainant and denied exhibiting a rude manner. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 02/09/11 **DATE OF COMPLETION:** 05/20/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1: The officers' behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant alleged one of the detaining officers told him, "Oh, all you guys do is smoke crack" before his public intoxication detention. The initial responding officers denied the allegation. There were no witnesses present at the time to either prove or disprove the allegation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant said he consumed a limited amount of alcoholic beverages at a superbowl party up to an hour before his detention, but denied being intoxicated. He then went into a check-cashing store to pick up wired money from a relative, but a cashier asked him and his friend to leave for being too loud. The complainant could not produce a complete name or contact information for his friend, describe the race of the cashier or any of the officers he said took him to County Jail. However, the evidence showed an officer from another station driving a patrol wagon transported the complainant to County Jail. The officers and two witnesses inside the check-cashing store stated the complainant was agitated and very intoxicated, which was corroborated by County Jail records. The preponderance of the evidence established the complainant exhibited objective signs of intoxication and was unable to care for himself. Video footage from the store was limited and unspecific to the allegation. The preponderance of the evidence established that the officer's actions were lawful and proper.

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

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

FINDINGS OF FACT: The complainant said an officer punched and slapped him on the face without justification before he was handcuffed. The complainant also alleged an officer used a rear leg sweep to take him to the ground, where the officers stepped on the back of his lower extremities while handcuffing him. The complainant also reported being involved in a physical altercation with Sheriff Deputies inside the County Jail. The officers denied the allegation and that the complainant sustained any injury during the detention. Video footage from the store was limited and unspecific to the allegation. Two witnesses inside the store could not verify or deny the allegation. County Jail records showed the complainant stated he had no recent injury or trauma upon arrival, and was admitted with unremarkable general appearance. Hospital records dated three days after the detention showed the complainant reported being assaulted by the police and was diagnosed with bruised lower extremities. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6: The deputies used excessive force while in custody.

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

FINDINGS OF FACT: This allegation has been referred to:

San Francisco Sheriff's Dept.
Investigative Services Unit
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102
(415)554-2380

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DATE OF COMPLAINT: 02/14/11 **DATE OF COMPLETION:** 05/06/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. The complainant did not provide an initial interview to the Office of Citizen Complaints which was needed for clarifying information and the complainant did not return a signed Hipaa form needed to request medical records if any.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to return the complainant's ID to him.

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

FINDINGS OF FACT: The complainant alleged that the officer neglected his duty by failing to return the complainant's ID to him. The officer stated that he did not have any knowledge of the complainant's ID and that the complainant refused to provide him with the information he needed to investigate the complainant's request. No independent witnesses to the incident came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complaint alleged that the officer was rude and argumentative during their conversation. The officer stated that he was extremely patient and denied behaving inappropriately. No independent witnesses to the incident came forward. There was 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:** 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 April 19, 2011.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 19, 2011.

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SUMMARY OF ALLEGATION #3: The officer harassed the complainant.

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 April 19, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer and his partner denied the allegation. A civilian witness stated that the officer acted appropriately, however, there were no other witnesses to this contact. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer did not investigate this incident. The OCC investigation determined that the officer spoke with the complainant and the other two parties involved in this dispute. The officer also reviewed documents regarding the tenancy. Based on his investigation at the scene, the officer concluded that the matter under investigation was a landlord tenant civil matter and not a criminal case. The evidence proved that the officer's action were proper and appropriate based on Department training and procedure.

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

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

FINDINGS OF FACT: The complainant stated that following a traffic stop, the officer cited him without cause for having a loud exhaust, for not having proof of insurance and for possession of marijuana. The complainant admitted that he did not have proof of insurance in his possession and that he did have marijuana in his possession, which the officer discovered during a search. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that during a traffic stop, the officer made him exit his car and searched him without cause. The named officer stated he searched the complainant because he smelled marijuana coming from the complainant's car, he saw a potential weapon (a baseball bat) in the car, and because the complainant said he had previously been arrested for assault and made a statement about fighting with his hands. The complainant admitted having a small quantity of marijuana inside a container in his pocket, and said he had a baseball bat in the back seat because he had played baseball that day. The complainant denied telling the officer he had been arrested for assault. A passenger in the complainant's car stated that he did not recall the complainant telling the officer he had been arrested for assault. Witness officers who responded as backup stated they did not recall the interaction between the named officer and the complainant. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer searched a passenger in the complainant's car without cause.

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

FINDINGS OF FACT: The complainant stated that during a traffic stop, the officer searched his passenger without cause. The named officer stated he pat-searched the passenger for weapons because he smelled marijuana coming from the complainant's car and the passenger said he had previously been arrested for drug sales, which raised his concern that the passenger could be in possession of a weapon. The named officer also said he saw a potential weapon (a baseball bat) in the car. The passenger in the complainant's car denied telling the officer he had previously been arrested. Witness officers who responded as backup stated they did not recall the interactions between the named officer and the occupants of the car and denied searching anyone at the scene. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that during a traffic stop, the officer searched his vehicle without cause. The evidence established that the officer searched the vehicle after discovering marijuana in the complainant's possession. 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 #5: The officer engaged in biased policing due to national origin.

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

FINDINGS OF FACT: The complainant stated that he believes the officer treated him as if he possessed weapons and posed a danger due to his national origin and his history and background. The named officer denied that his conduct was predicated on the complainant's national origin. The named officer stated that he took the actions he did because he saw a potential weapon (a baseball bat) in the complainant's car and smelled marijuana coming from the car, and because the complainant said he had previously been arrested for assault and made a statement about fighting with his hands. The complainant was subsequently found to be in possession of a small amount of marijuana. The complainant stated he had a baseball bat in his car because he had been playing baseball, but denied telling the officer he had been arrested for assault. A passenger in the complainant's car stated that he did not recall the complainant telling the officer he had been arrested for assault. Witness officers who responded as backup stated they did not recall the interaction between the named officer and the complainant. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant stated that the officer used unnecessary force when removing him from his car during a traffic stop. The named officer denied using any force on the complainant, and stated his only physical contact with the complainant was while conducting a pat-search for weapons. A passenger in the complainant's car saw the complainant being pat-searched, but did not see the officer use any force on the complainant. Witness officers who responded as backup stated they did not recall the interaction between the named officer and the complainant. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant stated that the officer intentionally damaged part of his vehicle's sound system while searching the vehicle. A passenger in the complainant's vehicle stated that while being detained outside the car, he saw the officer pull up mats in the trunk of the car, where the wires for the sound system were located, in a rough manner. The named officer denied damaging anything in the complainant's car. Witness officers who responded as backup stated they were watching the complainant and his passenger while the named officer searched the vehicle. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer detained the complainant at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated that the officer detained him at gunpoint without justification. The named officer stated that he was working alone and stopped to detain the complainant and another man who he suspected were smoking marijuana. The officer stated that he smelled marijuana, and when a man who he subsequently identified as the complainant saw the officer, he turned towards the second man, who threw something to the ground. As the officer approached them, the complainant moved both his hands inside the pocket of his sweatshirt. Based on this action, and on the complainant's behavior during a previous encounter, the officer feared the complainant might be concealing a weapon in his pocket, and ordered him to take his hands out of his pocket. The officer also told both men to move against a nearby wall. The complainant did not comply with either command and argued with the officer. The named officer stated that he drew his firearm and held it next to his leg for approximately one minute, but did not point it at the complainant. The officer re-holstered his firearm after the complainant removed his hands from his pocket.

The complainant stated that the other man who was with him had just arrived by car, and was twenty to thirty feet away from the complainant when the officer stopped and approached them. The complainant denied that either of them had been smoking marijuana. The complainant stated that the officer drew and pointed his firearm after the complainant did not comply with the officer's repeated orders to move against the wall. The complainant acknowledged that his hands may have been in his sweatshirt pocket when the officer approached him, and that he repeatedly questioned the officer's commands and believes he had a right to refuse to comply with an officer's orders.

The second man who was present, a friend of the complainant's, contradicted the complainant's account about when he arrived at the scene. he admitted that he had been smoking marijuana on the sidewalk immediately before the named officer arrived and said that he may have shared the marijuana with the complainant.

A second witness, a relative of the complainant, said he heard an officer telling the complainant and another man to sit on the ground. When he exited his store, he saw the named officer with his gun drawn for thirty to ninety seconds, until additional officers arrived. He stated that the complainant was screaming that he had filed a complaint against the named officer and wanted to speak to a supervisor. The evidence established that the named officer had reasonable suspicion to detain the complainant and his companion. The evidence also established that the complainant's behavior – refusing to comply with the officer's instructions, displaying a loud and confrontational manner and possibly concealing his hands from view – combined with the location and the fact that the officer was working alone, justified the officer's drawing his firearm. 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 #9: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that the officer cited him for resisting/delaying a police officer without cause. The named officer stated that he detained the complainant and another man who he suspected were using marijuana, and that the complainant repeatedly refused his orders to move against a wall. The complainant acknowledged that he repeatedly questioned the officer's commands and believes he had a right to refuse to comply with an officer's orders. 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 #10: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that the officer used unnecessary force when placing him against a wall during a detention. A civilian witness who was also detained stated that the officer told the complainant, who had not been cooperating, to stand up, then grabbed the complainant in a forceful manner and put him against the wall. Another civilian witness who is related to the complainant stated that he saw the officer holding the complainant against the wall as he handcuffed him. Both witnesses stated that the complainant was screaming that the officer was harassing him. A second civilian witness failed to respond to requests for an interview. The named officer stated that after he told the complainant to remain seated against a wall, the complainant said he was going to get up and leave. When the complainant stood up, the officer pushed him against the wall, which was several inches away, and handcuffed him. The named officer denied slamming the complainant into the wall or striking the complainant. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #11: The officer engaged in retaliatory conduct.

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

FINDINGS OF FACT: The complainant stated that the officer detained and cited him in retaliation for the complainant filing a complaint about a traffic stop that took place several days earlier. The named officer denied the allegation. The officer stated that he smelled marijuana and saw two men, whose identities he could not discern, standing on the sidewalk nearby. One of the men looked at the officer and then looked at his companion, who immediately threw something to the ground. The officer then approached the men in order to detain them and investigate further, and recognized the complainant, who was wearing a hooded sweatshirt with the hood up, as an individual he had effected a traffic stop on several days earlier. The complainant admitted he was wearing a hooded sweatshirt but denied that the hood was up. The second man who was detained, a friend of the complainant, admitted that he had been smoking marijuana on the sidewalk immediately before the officer stopped, and that he may have shared it with the complainant. He also stated that the officer initially approached him, then turned and saw the complainant. This witness contradicted the complainant's account of when the witness arrived at this location and about his contact with the complainant before the officer arrived. No other witnesses to the initial contact between the complainant and the named officer were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that his handcuffs tightened as he was placed inside the police car and that he complained about tight handcuffs but no action was taken. The named officer stated that he double-locked the handcuffs and did not recall the complainant ever complaining of tight handcuffs. Witness officers at the scene stated they did not recall the complainant complaining of tight handcuffs. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #13: The officer used unnecessary force on the complainant's friend.

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

FINDINGS OF FACT: The complainant stated that the officer used unnecessary force against one of his relatives who was observing the incident by pushing him in the chest. The complainant's relative stated that he and his brother were observing the detention of the complainant and another man. He stated that the named officer told them that if they did not move further away from the officers, they would be arrested. They moved further back but filmed the incident with a cell phone camera. The named officer told them to put the camera down and said if they did not move away they would be arrested for interfering. The named officer then stepped close to this witness and said he and his brother were being arrested for interfering. He also told this witness that he was moving his head in a threatening manner, then pushed this witness in the chest. The named officer stated that he repeatedly told the two relatives of the complainant that they could observe but needed to move further away and not to interfere. He stated that one of the complainant's relatives moved to a spot two or three feet behind him. The named officer told him that if he got closer and continued to interfere, he would be arrested for interfering with an officer, and that he cited the section of the penal code involved. The named officer stated that as he was about to turn and walk away, the complainant's relative made a subtle but aggressive movement with his head towards him, and that in response he shoved him in the chest. A cell phone video provided to the OCC by the complainant shows the named officer telling an individual that if he continued to interfere he would be arrested and charged with a particular section of the penal code. It showed the named officer abruptly pushing this man in the chest, but due to the angle and the poor visual quality, it was impossible to ascertain the movements of this man's body immediately preceding the push. The witness who shot the video did not respond to a request for an interview. Another witness, who was detained by officers, said he did not observe this interaction. Several witness officers confirmed that the complainant's relative approached the named officer in an aggressive manner and moved or thrust towards him in an aggressive manner immediately before the named officer pushed him. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #14: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant stated that the officer threw a cell phone that one of the complainant's cousins was using to film the incident to the ground. The named officer stated that the complainant's relative ran towards him while holding a camera phone out in front of him, and that he deflected the camera because he feared being struck by it. As a result, the phone fell to the ground. The named officer denied intentionally knocking the phone to the ground. The complainant's relative who was holding the phone failed to respond to a request for an OCC interview. The video footage from the camera phone is inconclusive, and does not show anyone striking the phone or the arm holding it. Another one of the complainant's relatives stated that the officer deliberately knocked the phone out of his brother's outstretched hand while his brother was standing still and observing, and denied that his brother moved towards the officer. Another witness, who was detained by officers, said he did not observe this interaction. Several witness officers confirmed that the named officer's account. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #15: The officer engaged in inappropriate behavior due to bias.

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

FINDINGS OF FACT: The complainant stated that the officer looked at a passing car and that he believes the officer was profiling any vehicle that passed by. The named officer stated that he looked at a passing car that he knew had been stopped multiple times for speeding and other traffic violations and denied that he was profiling the driver. The act of looking at a vehicle is not a violation of any Department regulations of laws, and therefore the officer's action did not constitute inappropriate behavior due to bias. The evidence proved that the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/01/10 **DATE OF COMPLETION:** 05/04/11 **PAGE #**10 of 11

SUMMARY OF ALLEGATION #16: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that unidentified officers at the scene made inappropriate comments about him. The officers at the scene denied making inappropriate comments. Two civilian witnesses did not hear the officers make inappropriate comments, but stated that the scene was loud and somewhat chaotic. In the audio portion of a video shot with a cell phone camera, numerous individuals, including the complainant and two of his relatives who were at the scene, are heard yelling. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #17: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that after he was placed in the back of a patrol car, he complained about tight handcuffs but that officers at the scene took no action. Officers at the scene stated they did not recall the complainant complaining about tight handcuffs. Civilian witnesses did not hear the complainant complain of tight handcuffs. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/01/10 **DATE OF COMPLETION:** 05/04/11 **PAGE #**11 of 11

SUMMARY OF ALLEGATION # 18: The officer engaged in retaliatory conduct.

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

FINDINGS OF FACT: The complainant stated that as he was driving, the named officer passed him in a patrol car going in the opposite direction. The complainant had recently filed OCC complaints against this officer for two separate incidents that took place within the previous month. The named officer made a U-turn, did a traffic stop on the complainant and cited him for a faulty brake light and for having an item hanging on his rear-view mirror. The complainant acknowledged that his brake light was not functioning and that he had an object hanging from his rear-view mirror. The named officer stated that as he crested a hill, he heard a vehicle coming towards him that sounded as if it was speeding. The vehicle passed him at a legal rate of speed, but appeared to be slowing down. When the officer turned his head, he saw that the vehicle's brake light was out, made a U-turn and conducted a traffic stop. The officer stated he could not discern who was driving the vehicle as it passed him, nor was he able to see its license plate number at that time. The named officer stated he did not determine that the complainant was driving the car until he effected the stop and ran the vehicle's license plate number. He denied that any of his actions were taken because of his previous contacts with the complainant. The named officer's partner stated that the named officer noticed a car with a broken tail light and said he wanted to effect a traffic stop on it. The witness officer confirmed seeing a broken tail light on the complainant's car. The witness officer stated that he could not see what the driver looked like before they initiated the traffic stop, although he could see the vehicle's license plate number before they initiated the traffic stop. The witness officer stated that the named officer did not say anything about any prior contacts with the driver of the vehicle. The complainant stated that his car often draws police attention because it appears to be a powerful vehicle and has a marking on its side. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 19: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that the officer cited him without cause for having a broken taillight and for having an object on his rearview mirror. The complainant admitted that his brake light was broken and that he had an object hanging from his rearview mirror at the time. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/11 **DATE OF COMPLETION:** 05/25/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-4: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated she wanted the officers to take a cab driver off the street because he refused to take her credit card. The cab driver stated his credit card machine was broken. The officers stated that they did not have the authority to take the cab driver off the street for failing to take the complainant's credit card. The investigation revealed that the SFPD no longer has a Memorandum of Understanding with the Metropolitan Transit Authority (MTA.) The officers' conduct was proper. The jurisdiction of the complainant's complaint is with the MTA, not the SFPD.

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

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

FINDINGS OF FACT: The complainant stated the officer told her she was "just tragic" and told her she was wasting police resources. The complainant told the officers the cab driver hit her. In her OCC interview, she stated the cab driver did not hit her but his fingers brushed against her face. The complainant stated she was intoxicated during this incident. The named officer and three other officers stated that the complainant showed several objective signs of intoxication. The named officer and another officer stated the complainant refused to comply with police orders and used profanity towards the named officer. The named officer stated the complainant kept repeating herself and refused to exit the cab when ordered to do so. The named officer stated she told the complainant she was tragic and was wasting police resources on a busy Saturday night. The officer acknowledged comments do not rise to the level of sustainable misconduct.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/11 **DATE OF COMPLETION:** 05/16/11 **PAGE #1** of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/11 **DATE OF COMPLETION:** 05/19/11 **PAGE#** 1 of 1

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 double-parked his vehicle near his residence and the officer issued him a parking citation for a double-parked vehicle. The officer stated he observed the complainant double-parked in violation of CVC 22500H and he issued a citation to the complainant for being double-parked. The evidence proved the act that provided the basis for the allegation occurred, however, the officer's action of issuing a citation was proper and lawful as the complainant admitted that he was double-parked.

SUMMARY OF ALLEGATION #2: The officer's comments and/or behavior were threatening 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 incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/11 **DATE OF COMPLETION:** 05/26/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated he observed an officer honk his horn unnecessarily at a man driving in front of him who was waiting for a pedestrian to cross the street. Although the complainant provided the vehicle number of the patrol car, the officer could not be identified.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/11 **DATE OF COMPLETION:** 05/27/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: One officer stated he and his partner were in plain clothes and walking down the street when he saw the complainant and another man. He knew both men from prior contacts. The officer stated the complainant was a known drug dealer who loitered in that area every day. The man with the complainant was on parole. The officer stated he saw the complainant holding a baggie containing a white substance he believed was cocaine. The man next to the complainant was counting money. When the complainant recognized the officers he hid the baggie in his sock. The officers detained the complainant and his companion to conduct a narcotics investigation. In his OCC interview, the complainant acknowledged possessing narcotics. The officers had reasonable suspicion to detain the complainant. Their actions were proper.

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

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

FINDINGS OF FACT: The officers had reasonable suspicion to detain the complainant for a narcotics investigation. One officer stated he saw the complainant hide a baggie containing a white substance in his sock. The officer stated he knew the complainant from prior contacts and stated the complainant was a known drug dealer. During their investigation, they searched the complainant for narcotics. They located contraband in the complainant's socks. The complainant's detention for a narcotics investigation was proper. Based on the totality of the evidence, the officers had probable cause to search the complainant. Their actions were proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/11 **DATE OF COMPLETION:** 05/27/11 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officers properly detained the complainant and had probable cause to search him. The officers arrested the complainant after finding illegal contraband in the complainant's socks. The complainant did not have any paraphernalia (e.g., crack pipe) indicating the contraband was for personal use. The complainant acknowledged being in possession of illegal contraband. He said it was for his own use. Aside from the narcotics violation the complainant had a number of outstanding warrants for his arrest. The officer's actions were proper.

SUMMARY OF ALLEGATIONS #7-9: The officers strip-searched the complainant without cause.

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

FINDINGS OF FACT: One officer stated that when he was searching the complainant's waistband area, the complainant kept squirming and tightening up his buttocks. This officer and his partner stated that based on their training and experience, drug dealers often hide narcotics in their buttocks area. After arresting the complainant, one of the officers informed his supervisor that he believed the complainant was hiding additional narcotics. The supervisor authorized a strip search. One officer stated the complainant voluntarily removed a plastic baggie containing base cocaine from his buttocks area. In his OCC interview, the complainant acknowledged doing so. The officers' actions were proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/10 **DATE OF COMPLETION:** 05/03/11 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS # 1-3: The officers entered complainant's room without cause.

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

FINDINGS OF FACT: The complainant stated the officers had no right to enter his room. The officers denied the allegation. The officers said they were conducting an active warrantless search of the complainant's roommate and his residence. The officers stated a protective sweep was done of the entire residence including the complainant's room. San Francisco Police Department records reveal an active "10-35" warrantless search condition existed for the complainant's roommate at the complainant's residence. The witness confirmed he was on probation with an active search condition. The witness advised the officers the complainant was his roommate that resided in a room within the residence. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officers had no right to search his room, because he was not on parole or probation. The officers denied the allegation. The officers said they were conducting an active warrantless search of the complainant's roommate's residence and a protective sweep was done of the entire residence including the complainant's room regarding officer safety and the destruction of evidence. San Francisco Police Department records reveal an active "10-35" warrantless search condition existed at the complainant's residence regarding his roommate. A witness confirmed he was on active probation with a search condition. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/10 **DATE OF COMPLETION:** 05/03/11 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #7-8: The officers' behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officers questioned and intimidated him and one of them threatened to slap him. The officers denied the allegations. A witness was located in another part of the residence and did not witness the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #9: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated his personal property should not have been seized during the incident. The officers said the complainant's property was in plain view and the properties seized were suspected narcotics, a replica gun, and indicia. A witness was present at the residence but was not in the complainant's room when the officers seized his 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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DATE OF COMPLAINT: 03/24/10 **DATE OF COMPLETION:** 05/03/11 **PAGE #** 3 of 4

SUMMARY OF ALLEGATIONS #10-11: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated officers harassed him during the incident. The complainant said an officer he saw had contact in a prior incident harassed him, while another officer in this incident told he would slap him. The officers denied the allegation. A witness was located in another part of the residence and did not witness the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #12: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was handcuffed during the arrest. The officer stated the complainant was handcuffed after other officers seized suspected narcotics. A witness was present at the residence but did not witness the incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/10 **DATE OF COMPLETION:** 05/03/11 **PAGE # 4 of 4**

SUMMARY OF ALLEGATIONS #13-14: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he should not have been arrested. The complainant denied possessing illegal narcotics. The officers denied the allegation and said they seized suspected narcotics in the complainant's room. A witness was located in another part of the residence and did not witness the incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/10 **DATE OF COMPLETION:** 05/26/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-4: The officers used excessive force.

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

FINDINGS OF FACT: The complainant stated the officers used excessive force on him during the arrest. The officers stated the complainant verbally and physically resisted their commands for him to get out of his vehicle, which resulted in a scuffle with the complainant causing two officers to sustain minor injuries. The officers denied using any excessive force. 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 #5: The officer used racial slurs.

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

FINDINGS OF FACT: The complainant stated an unknown officer used a racial slur during the incident. All of the officers on scene denied this allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/10 **DATE OF COMPLETION:** 05/26/11 **PAGE#** 2 of 2

SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers failed to make the required E585 data entry.

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

FINDINGS OF FACT: During the investigation, the OCC discovered that the officers did not make the required E585 data entry to document this traffic stop. The officers stated this traffic stop became a high risk incident and therefore did not require an E585 data entry to be made. Department bulletin 08-268, dated December 12, 2008 does not mandate that high risk traffic stops need to be included in the E585 data entries. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/11 **DATE OF COMPLETION:** 05/06/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant requested the withdrawal of her complaint because she did not intend to file the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/01/10 **DATE OF COMPLETION:** 05/09/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer improperly ordered him as well as the co-complainant to leave the area. The officer denied the allegation. No other available witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer screamed at the complainant.

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

FINDINGS OF FACT: The complainant stated the officer screamed at him in a loud voice telling him to “shut up.” The co-complainant said the officer spoke to the complainant in an angry voice. The co-complainant did not hear all the words exchanged between the complainant and the officer. No other available witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/10 **DATE OF COMPLETION:** 05/09/11 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The co-complainant stated the officer improperly issued him a citation for expired registration tabs. The officer denied the allegation, stating she issued the co-complainant a “fix-it” ticket which could be signed off by any police officer when the co-complainant properly registered his vehicle. The “fix-it” fine is an administrative fee and not punitive to the driver. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/11 **DATE OF COMPLETION:** 05/31/11 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer invaded the complainant's privacy.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/11 **DATE OF COMPLETION:** 05/25/11 **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 complainant is a convicted felon. He stated he was on probation when officers conducted a probation search of his residence and found weapons. The complainant acknowledged the weapons were his. He was arrested for being a convicted felon in possession of firearms. The arrest was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/11 **DATE OF COMPLETION:** 05/24/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer cited him without cause for failing to yield to a pedestrian, who he believes was a plainclothes officer working in a pedestrian decoy operation. The complainant stated that he braked when he saw the pedestrian step off the curb and start to enter the crosswalk, but did not stop for the pedestrian. 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 San Francisco Police Department wrongfully engages in decoy operations resulting in the citing of drivers who fail to yield to decoy officers posing as pedestrians.

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

FINDINGS OF FACT: The complainant stated that he is complaining about the San Francisco Police Department's practice of using plainclothes officers pretending to be pedestrians crossing a street so that motorists who fail to stop will be cited. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/11 **DATE OF COMPLETION:** 05/23/11 **PAGE #1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/11 **DATE OF COMPLETION:** 05/25/11 **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 forwarded to:

Region II Parole Headquarters
1515 Clay Street
Oakland, CA 94612

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/11 **DATE OF COMPLETION:** 05/31/11 **PAGE #1** of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/11 **DATE OF COMPLETION:** 05/26/11 **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:

City College of San Francisco Police Department
50 Phelan Avenue, C-120
San Francisco, CA 94112-1821
Telephone # (415) 239-3200

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/05/10 **DATE OF COMPLETION:** 05/18/11 **PAGE #1 of 2**

SUMMARY OF ALLEGATION #1-2: The officers failed to follow DGO 5.08.

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

FINDINGS OF FACT: The officers conducted a traffic stop in an unmarked vehicle. They stated they were responding to an aggravated situation. The complainant denied the circumstances that would make this an aggravated situation. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was cited for unsafe passing. The complainant and his wife denied the accusation. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/05/10 **DATE OF COMPLETION:** 05/18/11 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated the officer behaved in a demeaning and sarcastic manner. There were no independent witnesses. 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: 05/19/10 **DATE OF COMPLETION:** 05/26/11 **PAGE#** 1 of 3

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. The officer denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/19/10 **DATE OF COMPLETION:** 05/26/11 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3-4: The officers failed to accept a citizen's arrest.

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

FINDINGS OF FACT: The complainant stated the officers would not accept her request for a citizen's arrest. The officers stated there was no proof of a crime committed and they did not have probable cause to make any arrest. 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 ALLEGATIONS #5-6: The officers failed to investigate and prepare an incident report.

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

FINDINGS OF FACT: The complainant stated the officers refused to investigate her claims and prepare an incident report. The officers stated they did investigate the incident but found no evidence of a crime committed therefore no incident report was warranted. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATION #7-8: The officers failed to contact a supervisor.

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

FINDINGS OF FACT: The complainant stated that she requested a supervisor be called to the scene. Both officers denied that the complainant requested that a supervisor respond to the scene. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #9: The officer's actions and comments were inappropriate.

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

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

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DATE OF COMPLAINT: 05/25/10 **DATE OF COMPLETION:** 05/16/11 **PAGE#** 1 of 4

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 acknowledged being in mutual combat with her boyfriend in the presence of her four year-old daughter. She further acknowledged refusing to cooperate with emergency medical personnel. She refused to speak to the assigned inspector. The complainant was properly arrested for assault with a deadly weapon, child endangerment, and willful infliction of corporal injury.

SUMMARY OF ALLEGATION #3: The complainant's children were seized by Child Protective Services without cause.

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

FINDINGS OF FACT: This complaint is outside the jurisdiction of this Department. The complaint was forwarded to Child Protective Services.

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SUMMARY OF ALLEGATIONS #4-5: The officers caused the complainant's animals to be temporarily seized by Animal Care and Control Officers.

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

FINDINGS OF FACT: The officers discovered a cat and several kittens huddled amid piles of rubbish in the complainant's apartment. The animals did not have access to food, water or litter boxes. The officers took photographs documenting the squalid state of the residence. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS #6: The officers made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated an unidentified officer made inappropriate comments to her when he was transporting her to the hospital from the station. She identified one other officer who was present. That officer denied transporting the complainant to the hospital, and his supervisor confirmed that he did not transport her to the hospital. The assigned inspector stated that the complainant was not transported to the hospital before being taken to jail. There was no documented evidence that the complainant was transported to the hospital from the station. The complainant refused to sign a medical records release form, prohibiting the OCC from obtaining her medical records.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to notify Dispatch when leaving his assigned area.

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

FINDINGS OF FACT: As a member of the MUNI Response Team, the officer did not have an assigned district and did not need to notify dispatch when he moved among districts. The officer's supervisor confirmed this. The officer's conduct was proper.

SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to obtain authorization to use a Department vehicle for personal use.

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

FINDINGS OF FACT: According to the author of an incident report, the named officer transported his granddaughter to the station in a Department vehicle after the girl's mother had been arrested. The author's partner stated he did not recall who transported the girl to the station. Both the named officer and his partner denied transporting the girl to the station. The named officer's supervisor stated that although the named officer did not tell him he transported the girl, he would have given the officer permission to do so because it is in the course of police business. The supervising sergeant stated she did not know who transported the girl to the station. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #3: The officer failed to log starting and ending times when transporting a child.

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

FINDINGS OF FACT: The investigation could not prove or disprove whether the officer transported his granddaughter to the station in a Department vehicle.

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:** PF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer refused to prepare an incident report regarding her dog being bitten by another dog. The officer stated there is no policy mandating an incident report to be prepared for a dog biting another dog and that only when a dog bites a person an incident report shall be prepared. There were no independent witnesses to this incident. Department General Order 6.07 does not currently require an incident report when a dog bites a domestic animal. In December 2010, the Office of Citizen Complaints and the San Francisco Police Department discussed revisions to DGO 6.07 that would require that an incident report be prepared any time officers receive reports from the public of aggressive and/or a menacing behavior of dogs towards any human or domestic animal. This includes complaints of dog bites to humans; dog bites to domestic animals (dog, cat, horse, etc.), and dogs exhibiting menacing and/or aggressive behavior even though a bite has not occurred. The Office of Citizen Complaints recommends that the Department revise DGO 6.07 to include these revisions.

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 made inappropriate comments. The officer denied the allegation. A San Francisco Police Department witness did not hear the officer make any inappropriate comments. 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 #3: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officer would not allow her to speak to a supervisor. The officer denied the allegation. A San Francisco Police Department witness did not hear the complainant ask to speak to a supervisor. 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: 06/09/10 **DATE OF COMPLETION:** 05/19/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The officer admitted that he misinterpreted information provided to him by another officer and included the inaccurate information in his report. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #2: The officer provided inaccurate information for a police report.

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

FINDINGS OF FACT: The officer denied providing the inaccurate information to the reporting officer. The reporting officer admitted to assuming information that he then memorialized into his report. The reporting officer made no attempt to verify the accuracy of his assumptions. The evidence proved that the acts alleged in the complaint did not occur, or the named member was not involved in the acts alleged.

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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 alleged he made a complete stop at a stop sign and was therefore detained without justification. A passenger in the vehicle believed the officers stopped the driver for failure to make a complete stop before a stop sign. The officers stated the complainant drove through an intersection with a stop sign at approximately fifteen to twenty miles per hour without stopping. The investigation established, based on a preponderance of the evidence, that the officer's actions were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers engaged in biased policing due to ethnicity.

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

FINDINGS OF FACT: The complainant alleged the officers engaged in biased policing due to his ethnicity. The officers stated they stopped the complainant because he drove through an intersection at approximately fifteen to twenty miles per hour without stopping at a stop sign. The officers denied knowing the ethnicity or national origin of the driver prior to the traffic stop. A witness in the car stated the officers could not see the complainant inside the vehicle until after the traffic stop and assumed the complainant was stopped for failure to stop completely at a stop sign. The driver did not have a driver's license or any other identification on him. The decision to transport the driver to the station to identify the driver was consistent with police procedures. While the communication at the station between one of the officers and the Bureau of Immigration and Custom's Enforcement (ICE) to verify the existence of an administrative warrant violated both Department General Order 5.15 and San Francisco Administrative Code section 12H1, there is insufficient evidence to prove or disprove that the officers' policing actions at the station were biased.

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SUMMARY OF ALLEGATION #5: The officer failed to comply with DGO 5.15.

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

FINDINGS OF FACT: The investigation established that the officer was peripherally aware of an unauthorized contact by his partner with Immigration and Customs Enforcement in violation of DGO 5.15. The totality of statements from several members during this investigation was insufficient to reach a preponderance of the evidence to either prove or disprove the allegation against the officer.

SUMMARY OF ALLEGATION #6: The officer failed to comply with DGO 5.15.

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

FINDINGS OF FACT: SFPD regulations direct that members not assist federal immigration agencies with enforcement of immigration laws if the subject is not being booked for certain controlled substance violations or felonies and has no record of felony convictions. The investigation established that the complainant had no prior felony conviction and was booked by SFPD for two traffic misdemeanors. The complainant had no identification in his possession and during a warrants check the officer acted inappropriately upon an administrative Immigration and Customs Enforcement (ICE) warning. The investigation also established that there was no outstanding warrant issued by any court but only an Immigration request for assistance. A preponderance of the evidence, including the officer's own testimony, established that his calls to ICE were unauthorized, and in violation of SFPD General Orders prohibiting cooperation with the federal immigration agency's enforcement actions and in violation of the San Francisco Administrative "City of Refuge" Code provisions. Since the investigation determined that the criminal exceptions did not apply and that there was no court-ordered warrant outstanding, the officer, by contacting ICE, asking questions from the arrestee, and releasing such information to ICE, was not in compliance with Department regulations.

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SUMMARY OF ALLEGATIONS #7-8: The officers failed to inform the complainant of his arrest charges.

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

FINDINGS OF FACT: The complainant alleged he asked both officers the reason for his custodial arrest, but was not given an explanation. The officers stated they informed the complainant he was under arrest for driving without a driver's license or any identification in his possession. A witness inside the car could not verify or deny the allegation. There were no other witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #9-10: The officers' behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officers laughed and mocked him while placing him under arrest as he asked for the reason of his custodial arrest. The officers denied the allegation and stated the complainant was informed why he was under arrest. A witness inside the car could not verify or deny the allegation. There were no other witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #11-12: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged he could have been cited and released from the scene of this traffic stop for driving a car without a license. The investigation established that the complainant lacked a driver's license and had no identification on his person to positively identify him at the scene of the traffic stop, which subjected him to a custodial arrest. Department regulations require the handcuffing of any person in custody in an emergency vehicle. The officer's actions were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #13-14: The officers transported the complainant to a police station without justification.

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

FINDINGS OF FACT: The complainants stated the officers would not allow the complainant to walk to his residence to show a picture identification in order to avoid transportation to a custodial setting inside a police station. The officers stated the complainant was required to have a government issued identification on him at the time of the traffic stop and allowing him to leave the scene was a safety issue. DGO 5.06 mandates the custodial arrest rather than citation release of a person arrested for a misdemeanor when the person does not provide satisfactory evidence of his/her identity. Therefore, the officers' actions were lawful and proper.

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SUMMARY OF ALLEGATION #15: The officer failed to comply with DGO 5.15.

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

FINDINGS OF FACT: SFPD regulations direct that members not assist the federal immigration agency with enforcement of immigration laws if the subject is not being booked for certain controlled substance violations or felonies and has no record of felony convictions. The investigation established that the complainant had no prior felony conviction and was booked by SFPD for two traffic misdemeanors. A subordinate approached the officer with a generic question about booking a subject for an immigration warrant, but he denied giving that subordinate approval to contact Immigration and Customs Enforcement. There were conflicting statements among sworn members regarding the question and what the answer given meant. Yet, there were unauthorized contacts with Immigration and Customs Enforcement (ICE) following a warning during the officer's query of the subject under arrest before the officer reviewed the officer's actions. A purported witness on scene could not recall this incident to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #16: The officer failed to properly supervise.

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

FINDINGS OF FACT: SFPD regulations direct that members not assist the federal immigration agency with enforcement of immigration laws if the subject is not being booked for certain controlled substance violations or felonies and has no record of felony convictions. The investigation established that the complainant had no prior felony conviction and was booked by SFPD for two traffic misdemeanors. Yet, there were unauthorized contacts with Immigration and Customs Enforcement (ICE) following a warning during the officer's query of the subject under arrest before the officer reviewed the officer's actions. There were conflicting statements among sworn members regarding the information contained in the report relative to the contacts with ICE. There was insufficient evidence to either prove or disprove the allegation about proper supervision.

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OCC ADDED ALLEGATIONS:

SUMMARY OF ALLEGATIONS #1-2: The officers failed to make required traffic stop data entries.

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

FINDINGS OF FACT: The department did not provide a response to the OCC inquiry in time for the conclusion of this investigation to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer entered and searched a residence in San Francisco without cause.

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

FINDINGS OF FACT: The complainant stated that the officer searched her residence without cause. The named officer stated that in conjunction with a theft investigation, he conducted a parole search of the residence after learning that the co-complainant was on parole. The named officer stated that the complainants' employer told him they both resided at this residence. There is insufficient evidence to prove or disprove whether the named officer had sufficient facts to conclude that the co-complainant resided at this address. Therefore, there is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer entered and searched a residence in Sunnyvale without cause.

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

FINDINGS OF FACT: The complainants stated that the officer entered and searched their residence without cause. The evidence established that the co-complainant was on parole with a search condition. Therefore, 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 detained the complainants without justification.

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

FINDINGS OF FACT: The complainants stated that the named officer detained them without justification. The evidence established that the named officer was investigating a report of a crime in which the complainants were identified as suspects. 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 arrested the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant stated that the officer arrested him without cause. The named officer stated that he was informed that the co-complainant had made threats and attempted to extort money from his former employer. The named officer stated that he determined the co-complainant was on parole, conducted parole searches on two locations and arrested the co-complainant. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #5: The officer entered, searched and towed the complainant's vehicle in San Francisco without cause.

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

FINDINGS OF FACT: The complainant stated that the officer entered, searched and towed her vehicle without cause. The evidence established that the complainant left her vehicle parked on the property of her former employer, who summoned police to investigate thefts of company property by the complainants. The evidence established that the named officer had legal justification to have the vehicle towed, and in conjunction with the towing, to enter the vehicle and do a tow inventory. 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 #6: The officer entered and searched the complainant's vehicle in Sunnyvale without cause.

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

FINDINGS OF FACT: The complainant stated that the officer entered and searched her vehicle, which was parked in her driveway, without cause. The named officer stated that he did not recall entering or searching the vehicle. The evidence established that the officer was conducting a parole search on the co-complainant, who lived with the complainant and was a co-owner of the vehicle that was searched. The officer therefore had legal justification to enter and search the vehicle. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #7: The officer failed to safeguard the complainant's property.

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

FINDINGS OF FACT: The complainant stated that while conducting a search of her residence, the named officer seized a laptop computer and released it to her former employer, who claimed it was his property. The evidence established that the laptop was not the property of the complainant's employer, but had been purchased by a friend of the complainant, who loaned it to her. The evidence also established that the named officer failed to obtain proof of ownership from the employer before releasing the laptop to him, and that the release of the property violated Department regulations. 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 made inappropriate comments and exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainants stated that the officer made inappropriate comments and engaged in inappropriate behavior. The complainant stated this included threatening physical damage to her home if she did not open a locked safe and possible theft of property from inside the safe. The named officer either denied making the inappropriate statements attributed to him and engaging in the inappropriate conduct described, or stated that he did not recall making those statements or engaging in that behavior. A witness officer stated that he did not recall many details about this incident. He stated that he did not recall the named officer making inappropriate comments or engaging in inappropriate behavior. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer used profanity.

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

FINDINGS OF FACT: The complainants stated that the officer used profanity. The named officer denied the allegation. A witness officer stated that he did not recall many details about this incident and did not recall the named officer using profanity. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer seized property without justification.

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

FINDINGS OF FACT: The complainants stated that the officer seized property without justification, including personal property inside the complainant's vehicle. The named officer stated that in conjunction with an investigation into allegations of theft by the complainants from their employer, he conducted parole searches of the co-complainant's residences and located allegedly stolen property. The named officer also stated that he had the complainant's car towed because he believed it had been used to facilitate a crime and he believed there might be stolen property inside it. The named officer stated he did not believe he removed any items from this vehicle. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The evidence established that the officer failed to comply with Department regulations concerning property processing. 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 #12: The officer used unnecessary force on the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated that the officer used unnecessary force on him. A witness officer stated that he did not recall any force being used. There were no other witnesses to the physical interaction described by the co-complainant. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #13: The officer misused police authority.

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

FINDINGS OF FACT: The evidence established that the named officer worked a specialized, full-time assignment in the Traffic Company dealing with street racing. The complainants' employer believed that the complainants, who abruptly resigned their jobs, had taken property belonging to his company. He called the main SFPD number to report theft and attempted extortion by one of the complainants. He also telephoned a neighbor who was a San Francisco police officer to seek advice. The neighbor was also assigned to the Traffic Company, but was out on disability. This neighbor apparently contacted the named officer, who responded to take a report and investigate the matter. The named officer spent the rest of his shift working on this matter, which had no connection whatsoever with his normal duties and which, under ordinary circumstances, would have been handled by the patrol division and then forwarded to the Department's Investigations Bureau for follow-up. The named officer conducted parole searches at two locations, towed a vehicle belonging to one of the complainants, had a police agency in another county detain the complainants and traveled out of county to conduct a parole search and arrest the co-complainant. The named officer allowed the complainant's employer to be present during the parole search at one residence and released property that the employer claimed belonged to him at the scene. One of the watch commanders who was on duty on the day of this incident stated he did not recall the named officer discussing this matter with him. The other watch commander had retired from the Department. The named officer's Commanding Officer, who was not working on the day of this incident, stated that it was highly unusual for an officer in the Traffic Company to respond to take a theft report and to conduct this type of investigation, but it was not specifically prohibited. The current Commanding Officer of the Traffic Company stated that there would be no reason for an officer in the Traffic Company to conduct a stolen property investigation and that such a matter would typically be referred to the Investigations Bureau. He stated that a Traffic Company officer could take a police report concerning a non-traffic related manner.

The officer whom the complainants' employer telephoned retired from the Department and refused to provide a statement to the OCC. The named officer stated that he did not recall how he was notified about this matter, but did not recall talking to the now-retired Traffic Company officer who was contacted by the complainants' employer. The OCC was therefore unable to establish that the named officer's actions were undertaken at the behest of a colleague who was doing a personal favor for the complainants' employer. Therefore, there is insufficient evidence to prove or disprove that the named officer misused his police authority.

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

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

FINDINGS OF FACT: The evidence established that the named officer worked a specialized, full-time assignment in the Traffic Company dealing with street racing, but that he spent most if not all of his shift on the date of this incident investigating a matter completely unrelated to his assignment. The evidence implies that the named officer conducted this investigation at the request of a colleague who was doing a personal favor for the alleged victim in this case. However, the colleague officer retired from the Department and refused to provide a statement to the OCC, and the named officer stated that he did not recall how he was notified about this matter. The former and current commanders of the Traffic Company stated that while it is highly unusual for a Traffic Company officer to involve themselves in this type of investigation, such activity is not specifically prohibited by existing regulations. One of the watch commanders who was on duty on the day of this incident stated he did not recall the named officer discussing this matter with him. The other watch commander had retired from the Department. Due to the passage of time, the OCC was unable to determine whether the named officer informed a superior officer of his actions. Therefore, 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 detained a person without justification.

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

FINDINGS OF FACT: The complainant alleged the officer detained her mother without justification. The complainant was not present at the time of the detention. The officer was interviewed and stated that he and his partner responded as a back-up unit to assist another officer in serving a restraining order and obtain custody of two minor children pursuant to a judge's order. The officer further stated that the person detained was interfering and placed one of the children in harm by choking her and dragging her out of the room. The officer's main concern was the childrens' safety. The officer issued a Certificate of Release to the person detained. One of the witness officers corroborated the named officer's statement. A second witness officer stated he heard a lot of yelling and screaming but he did not see any of the events from where he was in the kitchen. The person detained did not come forward and could not be interviewed. The evidence supports a finding of proper conduct.

SUMMARY OF ALLEGATION #2: The officer handcuffed a person without justification.

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

FINDINGS OF FACT: The complainant alleged the officer handcuffed her mother without justification. The complainant was not present at the time. The named officer stated he handcuffed the complainant's mother because she had the child in a headlock. The officer feared the child would be hurt so he grabbed the subject's thumb to place her in a thumb lock to release her grip around the child's neck. The subject started kicking, yelling and pushing and at that point he placed her in handcuffs. The officer stated he asked the subject numerous times to release the child and she failed to comply. The person handcuffed did not come forward and could not be interviewed. One witness officer corroborated the named officer's statement. The evidence supports a finding of proper conduct.

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

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

FINDINGS OF FACT: Members of the San Francisco Police Department entered the complainant's apartment to execute a search warrant. The evidence shows that the complainant's apartment was not the one that was the intended target of the search warrant. The officers entered the wrong apartment unit based on the description in the search warrant, causing the complainant and his family members to be forcefully taken to the floor at gunpoint, handcuffed and detained without cause.

The evidence shows that the named officer was the officer who prepared the search warrant. He prepared the search warrant based on the information provided by a confidential informant who participated in a "controlled buy" that took place in the complainant's two-story apartment building. The search warrant states, in part, that the officers had to search the "apartment upstairs to the right, no numbers on the door." The evidence shows that the officer did not go into the apartment building during the controlled buy and had no firsthand knowledge of the exact apartment that was the target of the search. He never became aware that there were three apartments on the second floor of the building, one to the left of the stairs, and two to the right of the stairs that were adjacent to each other. Of the two adjacent apartment doors, the correct one for execution of the search warrant was the door to the left of the complainant's. The complainant's door was to the far right. Therefore, the Search Warrant and Affidavit identified the wrong door to breach. A preponderance of evidence, therefore, proved that the named officer failed to take required action by failing to adequately identify the exact apartment to execute the search warrant, and using as a standard the applicable regulations of the Department, the officer's conduct was improper.

SUMMARY OF ALLEGATIONS #2-3: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: As stated above, the officer who prepared the search warrant failed to adequately identify the exact apartment to execute the search warrant, causing numerous officers to enter the wrong apartment. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS#4-5: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: As stated above, the officer who prepared the search warrant failed to adequately identify the exact apartment to execute the search warrant, causing the complainant's apartment to be searched. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers placed the complainant and his family members in handcuffs without justification.

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

FINDINGS OF FACT: As stated above, the officer who prepared the search warrant failed to adequately identify the exact apartment to execute the search warrant, causing the complainant and his family members to be placed in handcuffs. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS#8-9: The officers detained the complainant and his family members at gunpoint.

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

FINDINGS OF FACT: As stated above, the officer who prepared the search warrant failed to adequately identify the exact apartment to execute the search warrant, causing the complainant and his family members to be detained at gunpoint. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #10-11: The officers behaved inappropriately.

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

FINDINGS OF FACT: As stated above, the officer who prepared the search warrant failed to adequately identify the exact apartment to execute the search warrant. There was insufficient evidence to either prove or disprove the allegation.

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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. The complainant stated the officer gave false information about her injuries to the paramedics that responded to the scene. The officer denied the allegation and stated that what he provided to the paramedics were true and accurate. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer placed her in tight handcuffs.

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

FINDINGS OF FACT: The complainant alleged that the officers who removed her from UCSF Hospital and who transported her to PES placed her in tight handcuffs. The officers were never identified. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officers detained the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged that the officers committed unwarranted action by detaining and transporting her to PES for mental health reasons. The officers were never identified. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer detained him on two specific dates, June 21, 2010 and June 24, 2010. A review of Department Records revealed that the officer did not have contact with the complainant on either of the dates alleged by the complainant. The investigation showed that the act the complainant alleged did not occur.

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

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

FINDINGS OF FACT: The complainant stated that the officer cited him for jaywalking on either June 21, 2010 or June 24, 2010. A review of Department records revealed that the officer did not have contact with the complainant on the dates alleged by the complainant. The officer stated that in the past (dates not provided) he has cited the complainant for jaywalking and other violations that the complainant has committed in his presence. However, the investigation showed that the act the complainant alleged did not occur.

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

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

FINDINGS OF FACT: The complainant stated that the officers searched him without cause after they arrested him. Both officers stated that they either arrested or cited the complainant and searched the complainant for officer safety reasons and according to Department training and policy of searching an individual before placing the person into a police vehicle or entering a police building. The investigation showed that officers either arrested or cited the complainant and then searched the complainant pursuant to department policy. The act alleged did occur, however said act was lawful and proper based on department training and policy.

SUMMARY OF ALLEGATION #5: The officer(s) behavior/comments were inappropriate.

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

FINDINGS OF FACT: The complainant alleged that on June 21, 2010 and June 24, 2010, officers made inappropriate comments and laughed at him because of the lavender colored clothing that he was wearing. The complainant did not identify any specific officer. All officers questioned denied the allegation or that the incident occurred. No independent witnesses came forward or were identified by the complainant. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that at a date unknown, the officer cited him for littering after he threw a banana peel on the ground. The officer stated that he has cited the complainant for littering. The evidence showed that the complainant admitted that he littered and that the officer properly cited the complainant for littering.

SUMMARY OF ALLEGATION #7-8: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that officers arrested him on October 22, 2010 without cause. The named officers stated they were conducting narcotics surveillance and observed the complainant possess and sell narcotics. The named officers then directed a patrol unit to arrest the complainant. No independent witnesses came forward during the investigation or were identified by the complainant. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer made a sexually derogatory comment.

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

FINDINGS OF FACT: During the course of the investigation it was alleged that an officer made a sexually derogatory slur towards the complainant. No name, description or any other identifying information for the officer was provided. All officers denied either making or hearing another officer make the alleged comment. No other dependent or independent person heard an officer make the alleged slur. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS 10-11: The officers conduct was retaliatory and/or harassing.

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

FINDINGS OF FACT: The complainant stated in November 2010, that officers were harassing him and retaliating against him after he made this complaint to OCC on June 25, 2010. The investigation showed that no officer knew of the complaint made by the complainant until May of 2011 when the officers were sent Member Response Forms. Until that time, all allegations in the complaint were listed as officer identification pending so no officer would have received notice that the complainant had filed a complaint against a specific officer. The allegations were ID pending since the complainant did not correctly identify any officer by name or description for the many contacts he alleged with SFPD. The complainant also alleged that officers harassed him by placing a stay away order against him for Ellis Street. The officers stated that stay away orders are not placed by an officer, but by the District Attorney and the order is then approved by a judge. The evidence showed that the officers could not have harassed or retaliated against the complainant based on this complaint because no officer knew that the complainant had filed the complaint against a specific officer. Also the stay away order was placed on the complainant by a judge after a request by the District Attorney's office. The evidence proved that the acts alleged by the complainant did not occur.

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SUMMARY OF ALLEGATIONS # 1: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated the officer had her iPod at the scene and did not return it. The complainant stated when she asked for the ipod the officer denied having it. The officer denied the allegation. The complainant's witnesses at the time of the investigation did not want to come forward. There were no other witnesses at the scene. 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 spoke inappropriately to the complainant.

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

FINDINGS OF FACT: The complainant alleged the named officer asked her, “Let me know when you quit whining.” The officer stated that he asked, “Tell me when you’re through.” A witness recalled the officer asking when the complainant was going to quit whining. No other witnesses came forward. 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 engaged in biased policing.

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

FINDINGS OF FACT: The complainant alleged the officer was biased against her because she was a woman but offered no other evidence. The officer denied the allegation. The officer was questioned relative to the OCC biased policing protocols. 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 issued a citation without cause.

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

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

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

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

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

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SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to report a traffic hazard.

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

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

SUMMARY OF OCC-ADDED ALLEGATION #2: The officer failed to properly log traffic stop data.

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

FINDINGS OF FACT: The named officer denied the allegation but could not provide proof of his logging the traffic stop data on Department computers. Department records indicated that the traffic stop data was not properly logged. No other witnesses came forward. A preponderance of the evidence proved that the conduct complained of did occur and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant stated the officer issued him a parking citation while he was parked waiting for his wife to say a second goodbye to her granddaughter. The officer stated that there are signs posted at the San Francisco International Airport prohibiting parking in white zones except when engaged in active loading and unloading. After issuing two lawful requests to the complainant to move his illegally parked car, the officer issued a citation. The officer issued the citation in conformance with the San Francisco International Airport Regulations. 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 exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that officer pounded at his passenger window, yelled for him to move his car now, and would not let him talk. The officer denied the allegation. The witnesses did not observe the contact between the officer and the complainant from beginning to end. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant acknowledged her vehicle was parked in a red zone area on a hill on a one-way street. The officer issued the complainant a parking citation for being parked in a red zone (38A TC) on a one-way street. 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's comments were inappropriate and threatening

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

FINDINGS OF FACT: The complainant said the officer threatened to arrest her and her friends and would not provide assistance . The officer denied threatening the complainant and her friends with arrest. He offered the complainant assistance, however, she informed him she would call for help with her vehicle on her own. No other witnesses came forward. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer made a racially derogatory comment

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

FINDINGS OF FACT: The officer denied making a racially derogatory comment towards the complainants or her friends. No other witnesses came forward. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation. He stated that he did not recall the complainant even asked him for such information. No other witnesses came forward. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers were dispatched to a hotel on a well-being check regarding the unsafe actions of a mentally disturbed person. The officers knocked on the complainant's door numerous times and identified themselves as police officers. Due to the complainant's lack of response, the onsite manager opened the complainant's door for the police to conduct a well-being check for the safety of the complainant and the tenants. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #3: The officer's conduct was inappropriate.

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

FINDINGS OF FACT: The complainant alleged an officer pulled the cover off his bed while the complainant was wearing only underwear. The officer said according to witnesses, the complainant had exhibited erratic behavior, had shut off power to the apartment complex and posed a danger to others. Upon contact with the complainant, who refused to show his hands from under the cover while lying in bed. Citing officer safety, the named officer removed the cover, which revealed the complainant in a T-shirt and boxer shirts. Two witness officers corroborated the complainant would not respond to their commands to show his hands and it was necessary for the cover to be removed for their safety. 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 #4-5: The officers used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant said officers forcefully restrained him during the detention. The named officers denied forcefully restraining the complainant. One named officer said the complainant got out of his bed on his own volition and put on his clothing. The officers handcuffed the complainant, placed him in the patrol car and transported him to the hospital. Witness officers were not involved in restraining the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6-7: The officers failed to provide medical assistance.

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

FINDINGS OF FACT: The complainant alleged his arm and shoulder were injured as a result of being handcuffed by the officers. The complainant did not seek medical attention nor did he present any documentation to validate his injuries to OCC.

The officers stated the complainant had no visible injuries and did not complain of pain or an injury. The witness stated she did not hear the complainant complain of pain or injury and he did not appear to be injured during the incident. The other witness said he did not hear the complainant voice any complaints of pain and the complainant appeared subdued when the police escorted him out of his apartment. The complainant failed to provide additional requested evidence. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1-2: The officer(s) made inappropriate comments

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

FINDINGS OF FACT: The complainant stated the officer who made the inappropriate comments was a short Hispanic male officer with dark hair. The named officers denied the allegations and neither officer matched the physical and/or racial description provided by the complainant. The witness said the officers handled the situation in a professional manner and the officers were not inappropriate. The evidence proved the named members were not involved in the acts alleged.

SUMMARY OF ALLEGATION #3-4: The officers failed to receive a citizen's arrest

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

FINDINGS OF FACT: The officers had no recollection of the complainant requesting a citizen's arrest of the other party. The witness said the complainant attempted to instigate a physical altercation with him and denied striking the complainant. The witness stated the complainant did not ask the officers to arrest him. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5-6: The officers failed to provide their name and star number as requested

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

FINDINGS OF FACT: The officer did not recall the complainant requesting their names and star numbers. The witness said he did not hear or observe the complainant ask the officers for their names and star numbers. 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 failed to answer reasonable questions.

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

FINDINGS OF FACT: The complainant stated that he was arrested for driving under the influence. He stated the officer failed to tell him the result of his performance on the field sobriety tests administered by the arresting officer. The officer denied the allegation. The witness was physically separated from the complainant during the administration of the field sobriety test and could not hear the conversation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was wrongfully arrested for driving under the influence. The complainant admitted to the OCC that he drank two large beers earlier that evening. He also admitted performing an illegal left turn. The officer observed the complainant commit a traffic violation in his presence. He had probable cause to perform a traffic stop of the complainant's car for the illegal turn, arrest and release the complainant for the moving violation. When the officer approached the complainant's window, the officer smelled alcohol, further evidence upon which to physically detain the complainant. Following a series of sobriety tests, the officer took the complainant into custody. 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 #2-3: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated officers lost his camera during his arrest and transport to County Jail. The complainant stated that other officers at the scene discussed the camera. The witness did not see the entire incident. The arresting officer acknowledged he had possession of the complainant's camera at the scene. He said he placed the complainant's camera, along with all of his other possessions into the trunk of his patrol car and locked it prior to transporting the complainant. The officer did not document the complainant's camera on the San Francisco Property Inventory Arrest Record associated with his arrest, in violation of Department General Order 6.15 and the applicable Booking and Detention Manual. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to identify themselves as police officers.

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

FINDINGS OF FACT: The complainant alleged that the officers did not identify themselves as police officers when they first detained him. The officers stated that they did identify themselves. No independent witnesses came forward. There was insufficient evidence to either prove or disprove these allegations.

SUMMARY OF ALLEGATIONS #3-9: The officers used excessive force against the complainant

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

FINDINGS OF FACT: The complainant alleged that the officers used excessive force in arresting him. The officers all stated that the complainant was violently resisting arrest and that they had to use force in order to restrain him. The parole agent accompanying the officers stated that he did not see excessive force being used. No other independent witnesses came forward. There was insufficient evidence to either prove or disprove these allegations.

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SUMMARY OF ALLEGATIONS #10: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that he was not provided with the proper medical treatment after he was pepper sprayed. The officer stated that the paramedics who arrived at the scene shortly after the complainant was pepper sprayed flushed the complainant's eyes with water. Another officer stated that he saw the paramedics wash the complainant's eyes and face. No independent witnesses came forward. There was insufficient evidence to either prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #11-17: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant alleged that the officers misrepresented the truth in their Incident Report Statements. The officers all stated that they gave an accurate account of their use of force in their Incident Report Statements. Other than the parole agent, whose description of the events supported the officers' statements, no independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATIONS #18: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The complainant alleged that the officer wrote an inaccurate incident report. The officer and the officer's partner stated that the incident report was accurate. The statements of the other officers all supported the version of events in the incident report. Other than the parole agent, whose description of the events was consistent with the incident report, no independent witnesses came forward. There was insufficient evidence to either prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #19-25: The officers made inappropriate comments or engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant alleged that the officers laughed at him and made inappropriate comments. The officers all denied laughing or making inappropriate comments. Other than the parole agent, who did not hear any officers laughing or swearing, no independent witnesses came forward. There was insufficient evidence to either prove or disprove these allegations.

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SUMMARY OF ALLEGATIONS #26: The officer tightened the handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant alleged that one of the officers “crushed” his handcuffs. He was not able to identify which officer did this. All of the officers denied using unnecessary force against the complainant or hearing him complain of his handcuffs being too tight. No independent witnesses to the incident 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:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 07/23/10 **DATE OF COMPLETION:** 05/04/11 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1-2: The officers engaged in inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant stated that the officers engaged in inappropriate behavior. The named officers denied the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers failed to conduct a proper investigation.

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

FINDINGS OF FACT: The complainant alleged that he was the victim of an assault and that his property was taken from him as he was escorted out of a public shelter. The officers arrived on scene and based upon their statements, CAD records and the complainant's own words that he "was never touched" and that his property a knife was returned to him. The officers conducted an investigation and concluded that no crimes had been committed.

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DATE OF COMPLAINT: 07/23/10 **DATE OF COMPLETION:** 05/09/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The named officer and his partners said the complainant was cited for speeding and for making an unsafe lane change. The complainants denied the alleged violations. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The co-complainant alleged that the officer made inappropriate comments when she was attempting to obtain his badge number. The named officer and his partners denied the allegation. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to provide his name and star number upon request.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged that the officer treated him in an inappropriate manner during their contact and lectured him about the damage done to the complainant's vehicle. The officer denied the allegation. A witness to the contact stated the officers that responded to the scene were nice and had thoroughly investigated the incident. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant alleged that the officer discriminated against him because of his race. The officer was interviewed at the OCC relative to biased policing protocols. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/09/10 **DATE OF COMPLETION:** 05/31/11 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer failed to provide his name and star number.

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

FINDINGS OF FACT: The complainant described an incident in which she felt the officers were rude and unprofessional when they unjustly detained her boyfriend. The complainant said the officer initially failed to provide his name and star number to her when she asked for it. The officer said he and other officers responded to an incident in which a third party called police dispatch, and requested their assistance in handling a drunk individual (complainant's boyfriend) who had assaulted the third party. The officer said he provided his name and star number to the complainant, who the officer said was also intoxicated, several different times during his contact with the complainant. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to state a reason for the arrest.

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

FINDINGS OF FACT: The complainant stated that during an incident in which she and her boyfriend were unjustly arrested, the officer never advised her of the reason for the arrest. The officer stated he told the complainant the reason he was arresting her, but the complainant was out of control and uncooperative. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant described an incident in which she felt the officers were rude and unprofessional when they unjustly detained her boyfriend. This incident led to her arrest when she asked the officer to provide his name and star number, but he allegedly failed to give it to her. She was handcuffed and forcefully arrested when she reached to remove the two-way radio communication microphone from covering the officer's star number. A third party said the complainant was intoxicated. The third party said she was yelling and crying, but he did not stay at the scene long enough to see her arrested. The officer indicated the complainant was intoxicated, belligerent and uncooperative. He deemed that due to her actions and level of intoxication she was unable to care for herself. Additionally, she posed a threat not only to her own safety but also the safety of others. 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 displayed inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant described an incident in which she felt the officers were rude and unprofessional when they unjustly detained her boyfriend. She admitted her boyfriend was intoxicated but claimed the officers were initially standing around laughing at him. She thought the officers could make better use of their time and asked why the officers were harassing her and her boyfriend. The officer allegedly responded that he had nothing else better to do. The officer denied that he or any other officer was laughing. The officer also denied making the above-described statement. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant said the officer pulled her by the hair during her arrest. The officer denied pulling her hair. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer failed to complete a required Department form relating to the complainant's arrest. The officer contended the form did not apply to the subject incident because he and his partner transported the complainant to the County Jail for lock-up. Consequently, sheriff's deputies used their own Departmental forms in booking the complainant. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant stated he made a left turn at a controlled intersection, because the officer motioned him to go and talk to him. The complainant admitted to making the turn and noticed the posted signs prohibiting left turns at the intersection. The officer denied the allegation that he motioned to the complainant to make the turn. The officer issued a citation to the complainant in violation of 22101(a)- disobeying a traffic code regarding turns at the intersection. No witnesses were identified. 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 behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer was arrogant but did provide specifics to the alleged conduct. The officer denied the allegation. No witnesses were identified. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: During Office of Citizen Complaints investigation, the OCC determined that the officer failed to document the complainant's traffic stop, as required by Department Bulletin No. 08-268 (Additional Traffic Stop Data Collection Program Information). During his OCC interview, the officer admitted that he did not collect and record the traffic stop data for this traffic stop as required by Department regulation. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated officers detained him without justification. He stated he was bicycling up the street when officers called him over. The complainant admitted to the OCC that he has a record of convictions and said he complied with the officer's request to stop. The complainant alleged the officer had no reasonable suspicion to believe he was engaged in criminal activity. The officers denied the allegation. They stated they observed the complainant riding his bicycle on the sidewalk, in violation of an applicable local ordinance. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged the officer improperly cited him for bicycling on the sidewalk, a violation of local law. The complainant denied violating the statute. The complainant has a record of criminal convictions. He stated the officer called him over and he complied, because he fears the police. He said the only time he rode on the sidewalk was to get to where the officer stood. The officer denied the allegation, stating he observed the complainant riding "in circles" on the sidewalk and told him to stop riding on the sidewalk. 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 #4-5: The officers searched the complainant and his belongings without cause.

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

FINDINGS OF FACT: The complainant alleged the officers improperly searched his belongings without probable cause. 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 ALLEGATIONS #6-8: The officers made inappropriate, threatening comments/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant alleged the officers belittled his criminal record and called him “one of those,” alluding to the details of his record. The officers denied the allegation. One of the officers threatened the complainant with arrest if he did not sign the citation. 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 #9-10: The officers used unnecessary force during their detention of the complainant.

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

FINDINGS OF FACT: The complainant alleged the officers used unnecessary force during his detention. The complainant said officers forcibly removed him from his bicycle, pulling him by the arms, and raising them behind his back to a painful level, causing him pain to a pre-existing injury. The complainant further alleged that by removing him from his bicycle, the officers' actions caused him to fall forward onto the handlebars of his bicycle, and fracture a tooth. 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 ALLEGATIONS #11-12: The officers engaged in racially biased policing.

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

FINDINGS OF FACT: The complainant alleged the officers engaged in racially biased policing during his detention. The complainant stated the officers called him over as he rode his bicycle on the street. Both officers were questioned relative the OCC's biased policing protocols and denied the allegation, stating they never saw the complainant riding in the street, and that he was riding on the sidewalk the entire time. One officer said he did not see the complainant's ethnicity until he rode up the block. The second officer stated he recognized the complainant's ethnicity but that it did not play a factor in the call. 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 #13-14: The officers used racial slurs and spoke in a racially derogatory manner when addressing the complainant.

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

FINDINGS OF FACT: The complainant was detained by two police officers. During his detention, the complainant alleged the officers called him “wetback,” asked him if he was “legal” in the United States, and demanded to know whether he had a “green card.” The officers were questioned relative the OCC’s biased policing protocols and denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #15-17: The officers used profanity.

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

FINDINGS OF FACT: The complainant alleged the officers called him profane names. 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 #18: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant alleged the officer failed to admonish him regarding the citation process and failed to tell him that his signature only represented a promise to appear. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers stated they had reasonable suspicion to detain the complainant for drinking beer from an open container in public. There were no identified witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer used excessive force during the detention.

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

FINDINGS OF FACT: The officer and his partner denied the allegation. There is no evidence that the complainant sustained an injury. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4: The officer searched the complainant without justification.

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

FINDINGS OF FACT: The complainant was initially detained pending investigation of consuming an alcoholic beverage in public. The complainant alleges that the beverage that he was drinking was non-alcoholic. The officer stated he searched the complainant citing officer safety reasons. There is no dispute that the complainant was armed with two knives one of which was discovered during a cursory pat search. The officer and his partner have stated that the complainant was combative and argumentative about producing identification upon request from the officer. There were no witness that came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer used profane language.

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

FINDINGS OF FACT: The officer and his partner denied the allegation. There were no witness that came forward. There is insufficient evidence to either completely prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #6: The officer's threatening and retaliatory behavior was inappropriate.

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

FINDINGS OF FACT: The officer and his partner denied knowing of previous complaints made by the complainant against other officers assigned to their district station. Officers interviewed during the course of the investigation further denied the named member engaged in the conduct attributed to the named officer. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer and his partner denied the allegation. There were no witness that came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer made inappropriate and threatening comments toward him. The officer denied making inappropriate comments toward the complainant during the civil standby or during his contact with the complainant at the police station. The witness officer corroborated while at the civil standby, he did not hear the named officer make inappropriate or threatening remarks to the complainant. The former roommate witness of the complainant said the officers maintained peace during the civil standby, did a great job and he felt safe with their presence. There is insufficient evidence to prove or disprove the allegations.

SUMMARY OF ALLEGATION #2: The officer used profanity toward the complainant.

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

FINDINGS OF FACT: The complainant alleged the officer used profanity toward him at the police station. The named officer denied using profanity. The named officer stated he terminated his contact with the complainant and referred him to his supervisor when the complainant raised his voice and became belligerent towards the officer. There were no witnesses to their interaction. There is insufficient evidence to prove or disprove the allegations.

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

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

FINDINGS OF FACT: In the course of the investigation into the initial complaint, the OCC found that the officer failed to correctly process the complainant's counter police report of a Hit and Run incident, as required by the Department Policy 2.01 (25) On-Duty Written Reports, 9.02 (B. 1.) Hit and Run Vehicle Accidents, and Report Writing Manual. At the OCC interview, the officer admitted and confirmed he completed the SFPD Reportee Follow-Up form. However, the officer stated he did not recall the specific incident with the complainant and did not know the whereabouts of the related counter report. A search for the report at the Records Management Section, Hit and Run Department, and at the station returned with negative results. 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 behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant was at a public event when private security summoned police to the scene. The complainant alleged the officer hit a beer out of his hand during the contact. The officer denied the allegation. The witness did not recall the entire incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: By his own admission, the complainant admitted drinking three beers at the event, which are known to be 20 ounces apiece and that he drank three beers during a three hour period. He denied being drunk in public and alleged the officer should not have taken him into custody. The officer stated the complainant exhibited symptoms of intoxication. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #3: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant alleged the officer failed to properly process his property. The complainant was taken into custody at a public event for being drunk in public. His property was inventoried at the scene by the named officer. Other officers transported the complainant to the San Francisco County Jail. The officer who inventoried the complainant's property could not recall specifically what specific property the complainant had in his possession, although he recalled performing the required inventory process. He denied the allegation. The remaining officers denied having any role in inventorying the complainant's property. There were no available witnesses. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he was a victim of battery so he filed an incident report with a police service aide. The case was assigned to the named officer for investigation. The complainant further stated that when he spoke with the investigating officer, the officer had not yet spoken with the suspect. The complainant then assumed and alleged that the investigating officer would brush off his report that a crime had occurred. The evidence established that the officer's investigation included interviews of all involved parties and witnesses. The officer forwarded the investigation results to the District Attorney's officer for prosecution. The District Attorney's office declined to prosecute the case. The investigation showed that the officer's actions were proper and that the officer followed Department procedures and practices.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer's comments and behavior were inappropriate. The officer denied the allegation and said he was stern and firm with the complainant, because the complainant did not listen to his lawful commands to leave the area. The witnesses stated the officer was professional and polite with him. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer used force during the arrest. The officer stated the complainant resisted, struggled, and attempted to get away from him during the arrest, so a physical control hold was used. A witness responded briefly to the scene and did not observe any force used on the complainant by the officer. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The complainant was handcuffed 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 the complainant refused to leave the area. The officer handcuffed the complainant for failure to obey the court and his lawful orders, while handcuffing is standard procedure for an arrest. A witness responded to the scene and observed the officer already handcuffed 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 #4: The officer placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant stated the officer placed tight handcuffs on him during the arrest. The officer denied the allegation and said he checked the complainant's handcuffs for the degree of tightness. A witness stated he responded to the scene and did not hear the complainant complain of any pain or injuries. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer wrote an inaccurate citation to the complainant.

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

FINDINGS OF FACT: The complainant stated he received an inaccurate citation from the officer. The complainant admitted he refused to leave the courtroom area when requested and ordered by the officer. The officer denied the allegation and stated the complainant refused to leave the courtroom area, argued with him and the court, and resisted and struggled with him during the arrest. The officer said he issued a citation to the complainant for violations of 166 (a. 1, 5) PC for failure to obey court orders and 148(a) PC for resisting and delaying a peace officer. Witnesses stated the complainant refused the officer's lawful orders to leave the area. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #6: The complainant was arrested without cause.

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

FINDINGS OF FACT: The complainant stated the officer should not have arrested him. The officer denied the allegation and said the complainant was arrested for violations of 166 (a. 1, 5) PC for failure to obey court orders and 148(a) PC for resisting and delaying a peace officer. There is no dispute the complainant refused to leave the area when requested and ordered by the court and officer. Witnesses stated the complainant refused the officer's lawful orders to leave the courtroom. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/10 **DATE OF COMPLETION:** 05/04/11 **PAGE#** 1 of 2

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/10 **DATE OF COMPLETION:** 05/04/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5-6: The officers harassed the complainant.

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

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

SUMMARY OF ALLEGATION #7: The officer made inappropriate comments and used profanity.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/10 **DATE OF COMPLETION:** 05/24/11 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officers ordered her to leave a fast food restaurant without justification. The named officers stated that they told the complainant to leave the restaurant at the request of an employee of the restaurant. The restaurant manager stated that she has told the complainant to leave the restaurant on several occasions but has never spoken to the police about the complainant and did not recall officers having an interaction with anyone in the restaurant at the time of this incident. Another restaurant employee was on leave and unavailable to be interviewed by OCC. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officers detained her without justification. The named officers stated that they asked for the complainant's identification because she crossed the street outside the crosswalk when approaching their vehicle and refused to move out of the street and onto the sidewalk when instructed to. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/03/10 **DATE OF COMPLETION:** 05/24/11 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #5 & 6: The officers failed to provide name and star number when requested.

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

FINDINGS OF FACT: The complainant stated that the officers failed to provide their names and star numbers when requested. The named officers denied the allegation. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7 & 8: The officers made inappropriate statements and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officers threatened to arrest her, threatened to hit her with their car door, made inappropriate comments and grabbed her arm. The named officers stated that they threatened to cite the complainant after she refused to move from the street and onto the sidewalk, but denied threatening to hit her with their door. The named officers stated that they had no physical contact with the complainant and denied making the inappropriate comments. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 10/03/10 **DATE OF COMPLETION:** 05/24/11 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #9 & 10: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that the officers harassed her because of statements she made to them when she was cited on a previous occasion. The complainant did not recall the date of this prior contact and lost the citation issued to her. The complainant's San Francisco criminal history record does not indicate a prior contact with the named officers. The named officers denied citing the complainant on a previous occasion but stated that they had seen her in the area and at the police station. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that one of the officers used profanity, although she could not definitely identify which officer this was. The two officers who had contact with the complainant denied using any profanity. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 10/19/10 **DATE OF COMPLETION:** 05/09/11 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer issued a citation without cause. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer towed his vehicle without justification. The officer stated he towed the complainant's vehicle because it was parked within 100 feet from a No Parking sign. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/20/10 **DATE OF COMPLETION:** 05/17/11 **PAGE#**1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to provide required services.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/10 **DATE OF COMPLETION:** 05/23/11 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to investigate an incident

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/10 **DATE OF COMPLETION:** 05/24/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer provided inaccurate information to the complainant.

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

FINDINGS OF FACT: The complainant was cited for driving without a front license plate while driving a friend's car. He stated he told the officer the car belonged to a friend and asked if he would be responsible to pay the ticket. The officer explained it was only a "fix-it" ticket and that his friend would have thirty days to make the correction. The complainant stated he asked the officer if, by signing the ticket, he would be held responsible for the violation and the officer assured him that it would not, that he used the vehicle registration of his friend for the ticket and that even if she did not make the correction he would not be adversely affected. On the officers' reassurance, the complainant signed the ticket. The complainant subsequently received a courtesy notice that the correction needed to be made within two weeks or the complainant would need to pay a fine.

The officer stated he explained to the complainant that it was the owner's responsibility to have the violation corrected but since the complainant was the driver, he was the one being cited. The officer stated he informed the complainant that if the registered owner did not have the violation corrected, the complainant would receive the fine because he was the one cited.

The complainant was the person cited and therefore ultimately responsible to pay the fine if the registered owner did not correct the violation. The complainant acknowledged driving a vehicle without a front license plate, a violation of California Vehicle Code section 5200. There was no evidence that the officer knowingly provided the complainant with inaccurate information. The complainant may have simply misunderstood the officer. There was no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 11/12/10 **DATE OF COMPLETION:** 05/24/11 **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 she was detained unnecessarily as she was leaving a supermarket. The supermarket security guard stated he saw the complainant detained but did not tell the officers she was not a suspect until after the complainant had been detained. The officer stated he responded to a fight involving four women. When he arrived at the store, four women were leaving the store, and the complainant was one of them. He and one other officer stated several unidentified bystanders identified the women as suspects. Neither the suspects nor the bystanders were identified by the officers. Four other officers arrived at the scene after the complainant had been detained. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer called her an idiot. The officer denied the allegation. Five officers at the scene stated they did not hear the officer make this remark. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 11/17/10 **DATE OF COMPLETION:** 05/23/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force in handcuffing him. The officer stated that he used force due to the complainant's physical resistance. One witness stated that the complainant did physically resist arrest. 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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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/24/10 **DATE OF COMPLETION:** 05/18/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/24/10 **DATE OF COMPLETION:** 05/06/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer exhibited inappropriate behavior and made inappropriate statements. A civilian witness stated that he did not see the officer exhibit the inappropriate behavior described by the complainant, and while he described the officer as being rude, he could not recall any specifics of what the officer said. The named officer denied the allegation. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to properly investigate before ordering her to get off a bus. The named officer stated that the bus driver identified the complainant and another person as having caused some type of disturbance on the bus. In response, he told both of them to exit the bus and to board another bus that was behind it. A civilian witness stated that the officer listened to both the bus driver and the complainant, although the witness did not think the officer paid attention to what the complainant said, and then told the complainant to get off the bus. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 11/17/10 **DATE OF COMPLETION:** 05/03/11 **PAGE#** 1 of 2

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 the officer wrongly cited him for failure to yield, because the officer ran a red light driving towards the complainant as the complainant was making a left turn. The named officer stated that he had a green light as he entered the intersection and that he had to apply his brakes to avoid colliding with the complainant's car. The witness officer did not recall the incident. There were no independent witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer failed to provide his name when the complainant requested it.

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

FINDINGS OF FACT: The complainant stated that he asked the officer at least two times for his name but that the officer refused to provide it. The named officer stated that he did provide his name to the complainant. The witness officer did not recall the incident. There were no independent witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 11/17/10 **DATE OF COMPLETION:** 05/03/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that the officer ran a red light. The named officer stated that he had a green light. The witness officer did not recall the incident. There were no independent witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/10 **DATE OF COMPLETION:** 05/03/11 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1-2: The officers behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 13, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/16/10 **DATE OF COMPLETION:** 05/27/11 **PAGE** #1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/28/10 **DATE OF COMPLETION:** 05/23/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officer exhibited rude and inappropriate behavior towards her during their meeting with a bank employee about some possible thefts from the complainant's account. The witness a bank employee stated that the officer was not rude, and that the officer remained calm and professional throughout the meeting, even though the complainant yelled at the officer. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant alleged that, during their meeting at the bank, the officer threatened to arrest her for acting like a police officer. The witness a bank employee stated that the officer did not threaten to arrest the complainant. The evidence proved that the acts alleged in the complaint did not occur.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/10 **DATE OF COMPLETION:** 05/23/11 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant alleges that the named officer failed to investigate a home invasion incident that the complainant reported to the San Francisco Police Department. The incident occurred on 11/01/2010 and was reported to the San Francisco Police Department on 11/02/2010. There is no mention in the incident report of the named officer and no indication that the named officer had any responsibility for investigating the incident. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/05/11 **DATE OF COMPLETION:** 05/09/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS # 1: The officers issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated the officer issued a citation for no rear license plate and invalid European license plate and marked on the citation that these were non-correctable violations. The complainant stated that the officer made it difficult for him to fix the citation because he felt these were correctable violations but now he has to go to court. The officer stated he used CVC 40610 (a) (1), (2), (b), (1) to determine that the violations were non-correctable because he believed he had enough evidence to determine this to be persistent neglect and in such cases violations may be deemed non-correctable. The officer performed his duties as per DGO 2.01 Rule 5., DGO 9.01, and California Vehicle Codes. 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 exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officer gave him a hard time by making false accusations and twisting the responses to the complainant's questions. The complainant said the officer at one point threatened to search his car. The officer denied the allegations. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 01/12/11 **DATE OF COMPLETION:** 05/18/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant's car was towed while he was out of town because his ex-girlfriend was driving it with a suspended license. He alleged that the female officer at the City Tow window did not give him any paperwork or other instructions on how to contest his car being held for 30 days. The description the complainant provided did not match the description of the only female Traffic Company officer, and the complainant failed to respond to attempts to obtain more information about the 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: 01/18/11 **DATE OF COMPLETION:** 05/18/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that during their response to his unit in December 2010, the officers failed to properly investigate his neighbor's attack against him. Department records show that the complainant and his neighbor have an ongoing dispute. Department records further show that the officer arrived on the scene within three minutes after being dispatched and that backup officers were also present. The officers stated that they did conduct an investigation and documented their investigation in a police report. No independent witnesses came forward. The evidence shows that the officers acted responsibly and that the finding is unfounded.

SUMMARY OF ALLEGATIONS #3-4: The officers engaged in inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant alleged that during their response to his unit, the officers laughed and made inappropriate comments. The officers denied laughing or making any inappropriate comments. The witness officers stated that they did not hear the officers laugh at the complainant or make any inappropriate comments. The complainant also alleged that the officers sent the paramedics away without allowing them to treat him. The officers stated that the complainant refused treatment from the paramedics. No independent witnesses came forward. There is insufficient evidence to either prove or disprove these allegations.

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DATE OF COMPLAINT: 01/19/11 **DATE OF COMPLETION:** 05/18/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers' comments and demeanor were inappropriate.

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

FINDINGS OF FACT: The complainant alleged that the officers made rude and inappropriate comments and exhibited an inappropriate demeanor when they responded to her call for assistance with implementing a Restraining Order against her neighbor. The officers admitted to making some of the alleged comments but stated that they were not inappropriate comments. Both officers stated that they were professional and courteous toward the complainant although she was rude and verbally abusive toward them. No independent witnesses came forward. The comments attributed to the officers do not rise to sustainable misconduct. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged that the officers failed to take required action during their responses to her home. The officers stated that they investigated the complainant's allegations against her neighbor but determined that a violation of the Restraining Order by her neighbor did not occur. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.