

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/04/09 **DATE OF COMPLETION:** 01/22/10 **PAGE#** 1 of 5

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

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

**FINDINGS OF FACT:** The complainant denied committing the alleged traffic violation. The officer said he witnessed the complainant commit the violation. There were no witnesses. There is insufficient evidence to reach a definitive finding.

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

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

**FINDINGS OF FACT:** Although the complainant admittedly had a search condition, the validity of the search is conditioned upon the validity of the traffic stop. Since the validity of the traffic stop is contested so to is the subsequent search of the vehicle. There were no witnesses. A definitive finding cannot be reached.

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

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

**FINDINGS OF FACT:** The complainant denied committing the alleged traffic violation. The officer said he witnessed the complainant commit the violation. There were no witnesses. There is insufficient evidence to reach a definitive finding.

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

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

**FINDINGS OF FACT:** The officer denied the allegation. A witness officer did not recall the incident. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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**SUMMARY OF ALLEGATION #5:** The officer used profanity.

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

**FINDINGS OF FACT:** The officer denied the allegation. A witness officer did not recall the incident. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #6:** The officer engaged in selective enforcement.

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

**FINDINGS OF FACT:** The officer denied the allegation. There is insufficient evidence to reach a definitive finding.

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**SUMMARY OF ALLEGATION #7:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** The officer denied the allegation. A witness officer did not recall the incident. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #8:** The officer failed to maintain required knowledge.

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

**FINDINGS OF FACT:** The officer did not recall the incident. The communication between the officers allegedly took place over the radio wherein the charges were approved. The detaining officer did not recall what information he provided regarding the incident. There is insufficient evidence to reach a definitive finding.

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**SUMMARY OF ALLEGATION #9:** The officer failed to maintain required knowledge.

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

**FINDINGS OF FACT:** Department Bulletin 08-244 requires that officers who issue traffic citations to drivers for transporting marijuana and who are reportedly medical marijuana patients shall document the reasonableness for their belief that a crime has occurred in their incident. The officer did not provide the requisite information in his report. Department General Order 2.01 requires that officers maintain a working knowledge of all information required for the proper performance of their duties. The officer's failure to document the requisite information in the incident report is intrinsic evidence that the officer failed to maintain a working knowledge of information necessary to properly perform his duties. In addition the officer misstated the law when admonishing the complainant, additional evidence of the officer's failure to maintain a working knowledge of all information required for the proper performance of his duties. The officer's latter attempt to correct his misstatement of the law by suggesting that he may have incorrectly worded his admonition in the report is unconvincing. By a preponderance of the evidence the allegation against the officer is sustained.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated he was at his patient's house attempting to get paid for services rendered. The patient refused to pay the complainant and called the police. Once the police arrived on the scene, the officers detained and handcuffed the complainant without justification. The named officers stated when they arrived on the scene, they detained and handcuffed the complainant because he was yelling and refused to put a bag down that he was carrying. The named officers determined for everyone's safety, the detention of the complainant was necessary. The patient declined to be interviewed. There are no independent witnesses to this incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant stated the officer used excessive force while handcuffing the complainant. The complainant admitted to resisting the officer's attempts to handcuff him. The officer admitted to using an academy taught control hold to gain compliance of the complainant, but denied using any excessive force. Another officer stated the named officer did not use excessive force with the complainant. An independent witness declined to be interviewed. There are no other independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in this complaint.

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**SUMMARY OF ALLEGATION #4:** The officer failed to issue a Certificate of Release.

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

**FINDINGS OF FACT:** The complainant was detained and handcuffed. When the complainant was released he was not given a Certificate of Release. The named officer admitted to the detention, handcuffing, and the failure to issue the complainant a certificate of release. The named officer was the most senior of the two handcuffing officers. According to Department General Order 5.03, physically restrained individuals are to be issued a certificate of release. 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:** The officer used unnecessary force against the complainant during the detention.

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

**FINDINGS OF FACT:** The complainant stated the officer used force in applying the handcuffs too tight. The officer and his partner denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The officers observed the complainant display signs of intoxication. The complainant acknowledged she “had a little too much to drink”. A witness stated he observed the complainant yelling and fighting with a man prior to police arriving. Medical records show the complainant was diagnosed with alcohol intoxication. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.



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

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

**FINDINGS OF FACT:** The complainant stated the officer did not seatbelt her in when he placed her in back of the patrol car. The officer acknowledged that he did not seatbelt the complainant in because she was combative and for officer safety. Pursuant to Department General Order 9.04, officers are required to seat belt persons under arrest and being transported in a Department vehicle unless the prisoner was resisting or combative and the officer's safety would be jeopardized by attempting to secure a seat belt around the prisoner. 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 #5:** The officer used unnecessary force during the detention.

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

**FINDINGS OF FACT:** The complainant alleged that while she was being transported to jail the officer stopped the vehicle abruptly causing her to sustain an injury. The complainant sustained a laceration to her right brow and required medical treatment. The officer and his partner denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATIONS #6:** The officer used profanity and displayed a rude attitude.

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

**FINDINGS OF FACT:** The complainant stated the officer used repeated profanity toward her and was rude. The officer and his partner denied the allegations. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #7:** The officer made sexually derogatory comments toward the complainant.

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

**FINDINGS OF FACT:** The complainant stated the officer made sexually derogatory comments toward her, degrading her as a woman. The officer and his partner denied the allegations. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to comply with Department General Order 2.01, 36.

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

**FINDINGS OF FACT:** The officer acknowledged he did not see any entry in the CAD for the ending mileage but stated to the best of his knowledge he did provide the ending mileage to the dispatcher. The officer's partner confirmed that he heard the named officer notify Communications of the starting mileage, the location from which they were leaving and their destination. However, he stated he did not hear the named officer announce the ending mileage to the dispatcher.

The CAD printout and audio for the incident were reviewed. There is no evidence the officer provided the vehicle's ending mileage to the Communications Division as required under DGO 2.01, 36. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-3:** The officers entered a residence without justification.

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

**FINDINGS OF FACT:** The named officers denied the allegations but were inconsistent in their purported justifications for entering the residence. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegations.

**SUMMARY OF ALLEGATIONS #4-6:** The officers arrested the co-complainant without cause.

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

**FINDINGS OF FACT:** The complainants stated that the co-complainant opened his front door and the arresting officers grabbed him for no reason. The co-complainant said that when he “turned away,” the officers arrested him after a physical fight. The named officers, who acknowledged the arrest, denied the allegations, stating that the co-complainant was being detained to investigate the reported crime of domestic violence, that when they started to pat search the co-complainant, he resisted, then committed aggravated assault on the arresting officers. They stated that he also was arrested for outstanding warrants. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegations.

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**SUMMARY OF ALLEGATIONS #7-11:** The officers used unnecessary force during a detention.

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

**FINDINGS OF FACT:** The named officers denied the allegations. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegations.

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

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

**FINDINGS OF FACT:** The named officer denied the allegation. Seven witness officers denied seeing the initial contact between the complainant and the named officer. One officer described a contact that was inconsistent with the named officer's description of the contact. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #13-15:** The officers made inappropriate comments.

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

**FINDINGS OF FACT:** The named officers denied the allegations. Five witness officers said they did not hear the alleged comments. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegations.

**SUMMARY OF ALLEGATION #16:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The co-complainant said officers at the scene told him he made a comment that he did not make but did not identify the officer. The three officers who were present denied that the comment they attributed to the complainant in an incident report was inaccurate. There were two different quotes attributed to the co-complainant in separate documents prepared by the reporting officer. There was insufficient evidence to either identify the officer making the statement or to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #17:** The officer failed to wear his star on the outside of his clothing.

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

**FINDINGS OF FACT:** The named officer denied the allegation, stating that the complainant asked whether he was a police officer and he realized that the star he was wearing outside his clothing was turned inward and thus was not immediately visible. He claimed he turned the star around and identified himself as an officer. Several witness officers said the named officer wore his star on the outside of his clothing during the incident, but conceded they were not present at the initial contact of the complainant and the named officer. 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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**SUMMARY OF ALLEGATIONS #1-4:** The officers entered and searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated officers entered his hotel room and searched it without cause. The complainant acknowledged he was on probation and was subject to a warrantless search condition. The officers stated they entered the room to conduct a probation search and seized narcotics during the search. No other witnesses came forward. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #5:** The officer seized United States currency belonging to complainant's companion without cause.

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

**FINDINGS OF FACT:** The complainant stated he observed the officer take money in cash out of his girlfriend's purse. The officer denied the allegation. Witness's statements were inconsistent. There was insufficient evidence to either prove or disprove the allegation made in the complaint.



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

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

**FINDINGS OF FACT:** The complainant stated officers seized money from his girlfriend's purse, his cell phone was taken, and he was not given a property receipt. The officers denied the allegations. Witness officers stated no money or a cell phone was seized during the search. The Office of Citizen Complaints obtained a copy of the property receipt signed by the complainant. No other witnesses came forward. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

**SUMMARY OF ALLEGATION #8-9:** The officers made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the officers made inappropriate comments. The officers denied the allegations. Two witnesses gave conflicting statements. Six officers denied hearing any inappropriate comments. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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**SUMMARY OF ALLEGATIONS #10-11:** The officers arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant alleged the officers arrested him without cause. The officers performed a probation search of the complainant's room and located narcotics. No other witnesses came forward. Records show the complainant was on probation and subject to a warrantless search. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #12:** The officers used profanity.

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

**FINDINGS OF FACT:** The complainant stated officers used profanity. The complainant did not identify the officers. All officers who were present at the scene denied the allegations. Witnesses gave conflicting statements. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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**SUMMARY OF ALLEGATIONS #13:** The officers failed to return the complainant's property.

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

**FINDINGS OF FACT:** The complainant alleged when he was released from jail his cell phone was not returned to him. All officers at the scene, including the arresting officers, were questioned and denied the complainant had a cell phone at the time of his arrest and/or booking. The property receipt listed the property taken from the complainant. The receipt was signed by the complainant and shows there was no cell phone on the list.

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

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

**FINDINGS OF FACT:** The officer did not issue certificate of release forms to the detainees. The officer stated he did not issue the certificates because all the individuals were free to leave and they were asked to step outside the room for officer safety reasons while searching the room. The investigation showed the officer was in compliance with Department General Order 5.03. 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 #1:** The officer arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated the officer told her if she left with her child she would be arrested. The complainant stated she pushed the stroller towards the officers and was arrested for no reason. The named officer denied the allegation. Department records show the officers went to the complainant's residence for a well being check. The named officer interviewed the reporting parties at the scene. The officer told the complainant if the child were taken, the complainant would be arrested for child endangerment. The complainant pushed the stroller towards the officers and a struggled ensued. The complainant kicked a witness officer. The complainant was arrested. Witnesses to the incident refused to cooperate with the investigation. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated after she was arrested, the named officer searched her belongings for no reason. The complainant admitted to having contraband inside of her purse. The complainant's purse fell to the ground during the arrest of the complainant. The named officer observed the complainant's purse was wide open on the ground and observed a green leafy substance inside the purse. The named officer's training and experience made the officer conclude the substance was an illegal narcotic. The officer seized and had the illegal narcotic booked as evidence at the district station. Witnesses would not cooperate with the investigation. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3-5:** The officers used unnecessary force during the arrest.

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

**FINDINGS OF FACT:** The complainant stated the officers grabbed her, threw her on the ground and hit her. The complainant admitted she wrestled with the officers when they tried to arrest her. Department records show the officers went to the complainant's residence to conduct a well being check. The officers told the complainant she could not take her child out in a very cold and foggy night. The complainant pushed the baby stroller towards the officers. The officers attempted to arrest the complainant and a struggle ensued. The complainant kicked an officer in the leg. The officers were able to control, subdue and take the complainant to the ground and handcuff the complainant. The complainant continued to struggle with the officers while on the ground. The officers used leg restraints on the complainant's legs. The named officers denied hitting the complainant or pulling the complainant's hair during the arrest. The officers denied removing any of the complainant's clothing during the arrest. The witness did not observe any interaction between the complainant and the officers. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated while the officer attempted to handcuff her, he slammed her into a wall and twisted her arm. The officer responded to a shoplifting incident. The complainant failed to comply with the officer's commands to cease using her cellphone. The complainant resisted and fought the officer while the officer placed the complainant into handcuffs. The officer did not feel that he used an unreasonable amount of force due to the resistance of the complainant. Two independent witnesses stated the complainant was physically and verbally combative toward the officer. One of the independent witnesses assisted the officer with gaining control of the complainant. Video surveillance of the incident showed that the complainant resisted the officer's attempts to detain her. The evidence is inconclusive as to the reasonableness of the force used by the officer.

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

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

**FINDINGS OF FACT:** The complainant stated the officer did not offer medical attention for her wrist, which she said resulted from being handcuffed. The officer stated he offered the complainant medical attention several times. Two independent witnesses corroborated that the officer offered the complainant medical attention, and the complainant declined the offer. The evidence proved that the acts alleged in the complaint did not occur.

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

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

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

**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to comply with DGO 5.01.

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

**FINDINGS OF FACT:** The complainant complained of pain to her right wrist as a result of being handcuffed. The officer offered medical attention to the complainant. The complainant declined the offer of medical attention several times. Two independent witnesses heard the complainant decline the officer's offer of medical attention. According to Department General Order 5.01, the officer is to notify his supervisor whether there is an injury so that the supervisor can make an entry into the use of force log. There is no mention in the Department General Order that an officer must notify his supervisor or document the use of force log for a complaint of pain. The complainant never complained of an injury, only pain to her wrist. The officer was not able to determine that the complainant was injured based on her complaint of pain. The evidence proved that the act by the member was justified by the departmental policy, procedure, or regulation; however, the Office of Citizen Complaints recommends a change in the particular policy, procedure, or regulation.

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**SUMMARY OF OCC ADDED ALLEGATION #2:** The officer failed to supervise.

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

**FINDINGS OF FACT:** The officer detained the complainant for a shoplifting incident. The complainant complained of pain from the detention, and the detaining officer offered medical attention. The complainant declined the medical attention. The detaining officer did not notify his supervisor of the incident because he was not aware of any injury. According to Department General Order 5.01, the officer is to notify his supervisor if there is an injury so that the supervisor can make an entry into the use of force log. After viewing the video surveillance, the supervisor was not able to determine that the complainant was injured and did not believe this incident warranted an entry into the use of force log. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF OCC ADDED ALLEGATION #:**

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

**FINDINGS OF FACT:**



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

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

**FINDINGS OF FACT:** A witness who filed the complaint on behalf of the complainant stated that she saw the complainant parked in front of her office while being cited by a motorcycle officer. The witness said the officer told her he stopped the complainant to see if he had contraband inside his car, and therefore the witness concluded that the citation was without cause. The officer denied the allegation, and stated that he told the complainant and the witness onlooker that he stopped the complainant because he had a wood rosary hanging from the rear view mirror. Another witness confirmed the officer's account. The officer cited the complainant for violating section 26708(a)(1) of California Vehicle Code. Although the complainant did not respond to OCC requests for an interview, the preponderance of the evidence established that he was stopped for a justified reason. The officer's actions were lawful and proper.

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

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

**FINDINGS OF FACT:** A witness who filed the complaint on behalf of the complainant alleged that the officer stopped the complainant based on his race, because the officer would not tell the complainant why he was stopped. The witness also alleged that the officer told her that he stopped the complainant to see if he had contraband inside his car. The officer denied the allegation, and stated that he told the complainant and witness onlooker that he stopped the complainant because he had a wood rosary hanging from the rear view mirror. A witness confirmed the officer's account. The officer further stated that he could not see the complainant's race before making the traffic stop. The officer cited the complainant for violating section 26708(a)(1) of California Vehicle Code. A witness who spoke with the complainant confirmed that the complainant removed the wood rosary from the rear view mirror after he was cited. The preponderance of the evidence proved that the officer did not stop the complainant due to his race but for a legitimate vehicle code violation.

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

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

**FINDINGS OF FACT:** A witness who filed the complaint on behalf of the complainant stated that the officer on the sidewalk asked the juvenile passenger inappropriate questions during the traffic stop, and insinuated that the passenger had a prior criminal history. The officer denied the allegation and stated that he only asked the passenger if he had any weapons in the vehicle and if he had been arrested before, which is a common investigative technique to explore possible parole or probation conditions. OCC attempts to locate the complainant and his passenger were unsuccessful. Three witnesses on scene could not prove or disprove the allegation. Other witnesses did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer interfered with the rights of onlookers.

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

**FINDINGS OF FACT:** A witness who filed the complaint on behalf of the complainant admitted that after she made a direct inquiry to the complainant and he responded, the witness stepped closer to the vehicle to question the rationale of the officer issuing the citation. The witness also stated that she had been already warned to stand back at a reasonable distance while another officer cited the complainant. Video footage confirmed the officer's request and proper explanation that the witness could report her dissatisfaction with the OCC. The officer acted within the policies set forth DGO 5.07, the officers actions were therefore lawful and proper under the circumstances.

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

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

**FINDINGS OF FACT:** The complainant stated the officers made inappropriate and threatening comments during her arrest. Both officers denied this allegation. The witness officers stated they did not hear the named officers make any threatening or inappropriate comments. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #3-4:** The officers did not identify themselves as police officers.

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

**FINDINGS OF FACT:** The complainant stated the officers came into her residence without saying who they were and failed to identify themselves as police officers. Both officers stated they verbally announced themselves as officers as well as having their stars visible. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated the officer came to her residence for no reason and arrested her. The officer was in the area the day before and was told narcotics were purchased at the complainant's residence. The officer was aware of the complainant's outstanding warrant and went to her residence to arrest her. The complainant admitted to having knowledge of her outstanding warrant. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #6:** The officer did not process the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated the officers removed items from her residence without being issued a property receipt. The OCC retrieved a copy of the property receipt with the named officer and complainant's signature. The evidence proved that the acts alleged in the complaint did not occur.

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**SUMMARY OF ALLEGATIONS #7-9:** The officers entered and searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers entered and searched her residence without cause. The officers stated they were given permission to enter and search the residence by the owner. During a recorded interview, the owner of the residence admitted to giving the officers permission to enter and search 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 ALLEGATION #**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant is a probationer who said he was only straddling his bicycle on a sidewalk when the officers detained him. Both officers said they knew the complainant is on felony probation with a search condition from prior contacts. The officers said they saw the complainant riding his bicycle on the sidewalk in violation of Section 96 of the Municipal Traffic Code. The warrantless search condition allows any police officer anywhere in California to detain the complainant and search his person, vehicle or residence at any time. The officers' acts were lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer handcuffed him without justification since he denied riding his bicycle on the sidewalk. There were conflicting statements among three officers involved in his detention about who handcuffed the complainant in order to place him inside the patrol car of another unit while the officer and his partner conducted a probationary search of the complainant's premise. There is insufficient evidence to either prove or disprove the allegation against the named officer.

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**SUMMARY OF ALLEGATION #4:** The officer issued the complainant a citation without justification.

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

**FINDINGS OF FACT:** The complainant said the officer issued him a citation/infraction without justification. The complainant contends he was not riding his bicycle on a sidewalk. The complainant said there were several witnesses who observed his contact with the officers but failed to provide complete identity and contact information for them. The named officer said his partner issued the citation to the complainant after both saw him riding his bicycle on the sidewalk in violation of section 96 of the Municipal Traffic Code (MTC). The officer's partner confirmed that he issued the infraction. The evidence shows that the act alleged in the complaint did not occur.

**SUMMARY OF ALLEGATION #5:** The officer's behavior and comments were inappropriate.

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

**FINDINGS OF FACT:** The officer and his partner said the named officer questioned the complainant regarding several photographs that the complainant had in his possession. The complainant's photographs depict the complainant making "street" gang hand signs with other males. However, the officer and his partner denied the officer made the inappropriate remarks while questioning the complainant about his photographs. The complainant failed to provide the complete identity and contact information for several of his alleged witnesses. There were no independent witnesses and therefore insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #6-7:** The officers searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant is on felony probation with a warrantless search authorized until further order of the court, but stated that the officer searched his residence without cause. The warrantless search condition allows any police officer anywhere in California to detain the complainant and search his person, vehicle or residence at any time without reasonable suspicion. The officers' acts were lawful and proper.

**SUMMARY OF ALLEGATION #8:** The officer damaged the complainant's property.

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

**FINDINGS OF FACT:** The complainant said one of the officers broke his grilling machine and left his hotel room in disarray. The officer acknowledged opening the grilling machine during the probationary search. However, the officer and his partner denied the machine was damaged or that the officer damaged it. There were no independent witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.



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**OCC ADDED ALLEGATIONS:**

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to write an incident report and issue a Certificate of Release.

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

**FINDINGS OF FACT:** The complainant said he was detained and handcuffed inside the patrol car of a back up unit for approximately half an hour while the officers conducted a probationary search of his residence. The officers could not recall who handcuffed the complainant in order to place him inside another unit's patrol car, and believed the back up officer may have handcuffed the complainant. The back up officer also could not recall who handcuffed and placed the complainant inside of the patrol car. All three officers denied the complainant was detained for a significant length of time, and the evidence established that he was not moved a substantial distance. The complainant was under a non-custodial arrest due to the infraction citation issued by one of the officers, whose identity or time could not be established because neither the complainant nor the SFPD could locate the copy. Communication records were inconclusive about the length of the complainant's detention. The officers were not required to write an incident report to document their MTC citation. The issuance of the citation stands in lieu of issuing a Certificate of Release. The officers' actions were appropriate and within the policies of the SFPD.

**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:** NS **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated that the officer stopped and detained him for no apparent reason. The named member stated that he took the complainant into police custody having observed him crossing the street against a red light. The officer's partner supported this statement. There were no other witnesses to this police contact. The available evidence was insufficient to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that he was cited without any legitimate reason. The named member stated that he cited the complainant for crossing the street against a red light for violation of CVC Section 21453(d). The officer's partner supported this statement. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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**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 stated that the officer “slammed” him against the wall. The named member denied using the alleged force during the incident. The officer’s partner stated that he did not observe any unnecessary force during this incident. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer damaged the complainant’s property without justification.

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

**FINDINGS OF FACT:** The complainant stated that the officer “smacked” a cell phone out of his hand causing it to fall and break into three pieces. The named member denied acting in the manner alleged. The officer’s partner stated that he did not witness the “smacking” of the cell phone or any broken pieces on the ground. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5-6:** The officers failed to take required actions.

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

**FINDINGS OF FACT:** The complainant stated that he asked the arresting officer and several other officers at the station for a breathalyzer test but none was provided. The arresting officer stated that the complainant indeed asked about the breathalyzer test but lost interest in it and dropped the subject after being told that he had to pay for it. The complainant could not provide an adequate description to identify other members involved in this interaction at the police station. The available evidence was insufficient to name any one else other than the arresting officer and to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #7-8:** The officers acted in an inappropriate manner and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that the arresting officer as well as several other members treated him inappropriately and made inappropriate comments towards him at the station. The arresting officer denied the allegation. The complainant could not provide any adequate identifying information for other members who engaged in the alleged behavior. The available evidence was insufficient to name any one else other than the officer who arrested the complainant and to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #8-9:** The officers failed to properly process property.

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

**FINDINGS OF FACT:** The complainant stated that the arresting officer removed a baggie with marijuana from his pocket during the search at the station and never gave it back. The named member stated that there was no need to document the alleged seizure of the baggie with marijuana from the complainant because none was discovered or taken from the complainant during the arrest and detention. The officer's partner stated that he did not have any contact with the complainant at the station and he did not see any officer seizing marijuana from the complainant. The complainant could not provide adequate identifying information for the other officer who was allegedly engaged in this misconduct. The available evidence was insufficient to name any one else other than the arresting officer and to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #10:** The officer engaged in racially biased policing.

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

**FINDINGS OF FACT:** The named member denied that the complainant's race played any role in this police contact. The officer's partner supported this statement. There were no other identifiable witnesses to the complainant's initial detention. The available evidence was insufficient to either prove or disprove the allegation.

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**SUMMARY OF OCC ADDED ALLEGATION #1:** The officers failed to properly document the complainant's custodial arrest for an infraction violation.

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

**FINDINGS OF FACT:** In this case, the complainant was arrested for a traffic infraction and taken to the police station for identification purposes. After being held at the police facility for some time, the complainant was cited and released. The OCC found that the complainant's effectively "custodial arrest" for an infraction violation was not documented either in a police report or in the station arrest log because it was not required by the existing SFPD policy. The OCC will make a policy recommendation to modify the Department procedures for taking cited individuals to police facilities for identification purposes.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The complainant was strip searched without cause.

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

**FINDINGS OF FACT:** This allegation raises matters outside OCC's jurisdiction. This allegation has been referred to: San Francisco Sheriff's Department Investigations Unit  
25 Van Ness Avenue, 3<sup>rd</sup> Floor  
San Francisco, CA 94102

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

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

**FINDINGS OF FACT:** The complainant alleged the officers arrested him without cause. The officers arrested the complainant for violation of Penal Code Section 422 because the victim told the officers the complainant verbally threatened him and he feared for his safety. Witnesses identified the complainant to officers. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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**SUMMARY OF ALLEGATIONS #4-5:** The officers failed to properly process the complainant's property.

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

**FINDINGS OF FACT:** The complainant alleged that when he was released from jail he checked his possessions and noticed things were missing, namely, a Philadelphia public transit token. The officers denied the allegation. A property receipt was issued and the complainant refused to sign it. The receipt details the property taken from complainant at the time of his arrest. No other witnesses came forward. 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 issued a citation without cause.

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

**FINDINGS OF FACT:** The officer issued a traffic citation to the complainant for failure to activate his turn signal before making a left hand turn. In his typewritten statement, the complainant vehemently denied that he failed to activate his turn signal. He contends that it was impossible for the officer to see the rear taillights on his vehicle from where the officer was located. The officer stated that she was on her department-owned motorcycle, directly in front of the complainant's vehicle, when the complainant illegally changed lanes, moved around the officer, and illegally returned to the left turn lane. The officer stated the complainant completed his left turn without activating his turn signal, and without allowing sufficient clearance for on-coming traffic to pass through the intersection. Because no independent witnesses were developed, there is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer engaged in gender-bias policing.

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

**FINDINGS OF FACT:** The complainant alleged the officer issued a traffic citation to the complainant based on the complainant's gender. In his typewritten statement, the complainant used profanity in describing this incident and directed sexual slurs at the officer. The officer denied issuing a citation to the complainant based on the complainant's gender. The officer stated she issued the citation based on seeing the complainant violate traffic laws. The officer also stated the complainant yelled profanity and sexual slurs to the officer during the incident. Because no independent witnesses were developed, there is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the officer arrested him without cause. The officer responded to a call for service for individuals loitering in front of a residence for over an hour discussing drugs. The officer determined the complainant was not a resident of the address the officer responded to. The officer determined the complainant was intoxicated due to his blood shot eyes, the smell of alcohol on the complainant's breath, and the open alcohol container next to the complainant. The complainant was placed under arrest for public drunkenness. It was later determined through Department records that the complainant had three warrants outstanding. The witness officer corroborated the named officer's claim that the complainant had blood shot eyes, the smell of alcohol on his breath, and an open alcohol container next to him. An independent witness called SFPD because the complainant and his friends were sitting on her porch drinking and discussing drugs. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #2:** The officer used excessive force.

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

**FINDINGS OF FACT:** The complainant stated the officer used unnecessary force on him during his arrest. The officer denied the allegation. A witness officer corroborated the named officer's denial. The independent witness did not witness the arrest. There are no other witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in this complaint.

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

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

**FINDINGS OF FACT:** The complainant stated the officer made inappropriate comments toward him during his arrest. The officer denied the allegation. A witness officer corroborated the officer's denial. An independent witness did not see the arrest but was able to hear the conversation between the officer and the complainant from her residence, and stated the officer was non-confrontational and did not make any inappropriate comments during this 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:**

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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 by using his cellular phone without an earpiece while driving his patrol car. The officer was not identified. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that the officer detained him without justification. The named officer stated that he saw the complainant commit a traffic violation, and stopped and detained the complainant after he appeared to be fleeing from the officer. The named officer stated that he ordered the complainant to exit his vehicle because he feared the complainant might flee, and that he handcuffed the complainant when he became uncooperative and yelled for his companion to exit the car. A passenger in the complainant's car denied that the complainant committed a traffic violation. There were no independent witnesses to the traffic stop. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer used unnecessary force on the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the officer used unnecessary force on him, including throwing him to the ground, during a traffic stop. A passenger in the complainant's car described the named officer using force on the complainant, but his account differed significantly from the force the complainant described the named officer using. One civilian witness stated that he saw the named officer attempting to handcuff the complainant, who appeared to be resisting, but that he did not see the named officer use the force described by the complainant. Other civilian witnesses stated that they heard someone yelling but did not observe the physical interaction between the named officer and the complainant. Two witness officers stated that the complainant was standing when they arrived, and that they assisted the named officer in taking the complainant to the ground, but that no unnecessary force was used. Department records and photographs document an abrasion to the complainant's forehead. The named officer stated that after backup officers arrived, one of them assisted him in taking the complainant, who was handcuffed but being non-compliant, to the ground. The named officer stated that he assumed the complainant sustained the injury to his forehead when he was taken to the ground, but denied using any unnecessary force. There is insufficient evidence to prove or disprove the allegation

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer used unnecessary force by grabbing him by the hair and throwing him to the ground, causing an injury to his forehead. The complainant stated that the named officer then punched the complainant in the face and punched him in the ribs as the complainant was seated in the back of a patrol car. A passenger in the complainant's car stated that he did not see the named officer grab the complainant by the hair or throw him to the ground, stating that the complainant was already on the ground when this officer arrived. The passenger confirmed seeing the named officer punch the complainant when he was in the back of the patrol car. Several civilian witnesses stated that they did not see the named officer use the force described by the complainant. Witness officers stated that they did not see the named officer use the force described by the complainant. The named officer denied using the force described by the complainant. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated that the named officer used profanity. The named officer denied the allegation. A passenger in the complainant's car said he heard a different officer use profanity. Several civilian witnesses stated that they did not hear an officer use profanity. Witness officers stated that the named officer did not use profanity. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer towed the complainant's vehicle without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officer had his vehicle towed without cause. The named officer stated that he stopped the complainant for a traffic violation, and placed the complainant under arrest and transported him to the station due to his resistive conduct and because the complainant allegedly threatened an officer. The named officer stated that the complainant's car was towed because it was blocking a driveway and could not be parked legally. A witness officer stated that he heard the complainant threaten an officer. Several civilian witnesses stated that they heard the complainant yelling in a loud and disruptive manner. Under the circumstances, the towing of the complainant's car was justified and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 07/07/09    **DATE OF COMPLETION:** 01/05/10    **PAGE #1** of 2

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

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

**FINDINGS OF FACT:** The complainant stated an unknown person struck him in the face. The complainant fell to the ground and struck his face on the curb. The complainant stated he was not handcuffed or arrested. The named officer was assigned to perimeter duties and to protect a homicide crime scene. The named officer denied striking the complainant in the face. Other officers on scene observed the complainant walk against a red traffic light into the intersection and into the middle of vehicular traffic. Officers heard the complainant yell obscenities as the complainant approached a group of people who gathered outside of the homicide crime scene tape. Officers observed the complainant shove an unidentified woman in the back, and to tear down the homicide crime scene tape and walk through the crime scene. The named officer approached the complainant from behind and used a full force bar arm takedown to bring the complainant to the ground. The officer struggled with the complainant on the ground. The officers controlled the complainant and the complainant was handcuffed. The named member properly documented in police records that the complainant sustained a minor abrasion during the struggle. There is insufficient evidence to either prove or disprove the allegation that the force used by the named member constituted unnecessary or excessive force.

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

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

**FINDINGS OF FACT:** The complainant stated he walked around the crime scene tape into the street into vehicular traffic. The officers heard the complainant yell obscenities as the complainant approached a group of people who gathered outside the homicide crime scene tape. The named officers were assigned to perimeter duty and to protect a homicide crime scene. The officers observed the complainant shove an unidentified woman in the back. The complainant proceeded to tear down the homicide crime scene tape and walk through the restricted crime scene area. The officers detained the complainant. One named officer completed a 72-Hour Evaluation Application because the complainant was a danger to himself and others. The San Francisco Fire Department Patient Care Report reflects the complaint's refusal to answer questions, inappropriate runs of disorganized phrases, and that the complainant was delusional and agitated. The officers released the complainant to paramedics for medical treatment, who subsequently transportation the complainant to the local hospital for the 72-Hour Evaluation. The complainant agreed to the medical treatment and transport to the local hospital. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/07/09    **DATE OF COMPLETION:** 01/05/10    **PAGE #2** of 2

**SUMMARY OF ALLEGATION #4:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated an unknown person punched him in the face and used profanity. The complainant was unable to identify any officer who made the statement. The complainant admitted he used profanity. The officers denied the allegation. The witness officers did not have any contact with the complainant during the entire incident and they did not hear anyone use profanity towards the complainant. During the investigation no witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #5:** The officer's behavior and comments were inappropriate.

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

**FINDINGS OF FACT:** The complainant stated an unidentified officer told the paramedics his name was "Jimmy Carter" and he was a "5150". The complainant stated an unidentified officer repeatedly referred to him as a former United States president. The named officers denied the allegations. The officers stated that when they asked the complainant for his name, he responded with threats and profanity. Neither the named officers nor any member of the department accompanied the complainant to the local hospital. During the investigation no witnesses came forward. There is insufficient evidence to prove or disprove the allegations made in the complaint.

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**DATE OF COMPLAINT:** 07/15/09    **DATE OF COMPLETION:** 01/05/10    **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The complainant stated that the officer misrepresented the truth concerning the complainant's littering. The named officer denied the allegation. The named officer's partner stated that he did not overhear the interaction between the named officer and the complainant. No other witnesses were identified. The complainant was found guilty of littering in Traffic Court. The preponderance of the evidence supports a finding of unfounded.

**SUMMARY OF ALLEGATION #2:** The officer made inappropriate statements and exhibited inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that the named officer screamed at him, stared at him in an aggressive manner and threatened to arrest him. The named officer denied screaming or staring at the complainant. The named officer stated that he told the complainant he could be booked if he refused to sign the traffic citation after the complainant initially refused to sign it. The named officer's partner stated that he did not overhear 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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**DATE OF COMPLAINT:** 07/20/09 **DATE OF COMPLETION:** 01/05/10 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The complainant stated an officer made inappropriate comments to her when he arrived on scene. All of the officers who responded to the scene denied making any inappropriate comments during this incident. The complainant was unable to specifically identify the officer who made the inappropriate comments. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in this complaint.

**SUMMARY OF ALLEGATION #2-5:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated the officers refused to take her information and prepare an incident report. The officers determined there was no crime committed; therefore there was no need to prepare an incident report. The incident was documented in the CAD and the CAD number was provided to the complainant. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/24/09 **DATE OF COMPLETION:** 01/05/10 **PAGE#** 1 of 4

**SUMMARY OF ALLEGATION #1:** The officers arrested the complainant without cause

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

**FINDINGS OF FACT:** The complainant stated the officers grabbed him, handcuffed him and threw him down on the ground outside of his apartment. The officers did not let him talk or tell his side of the story regarding the incident. The complainant stated he had done nothing wrong. Department records show the officers were dispatched to a domestic disturbance at the complainant's residence. The officer made contact with the complainant and smelled an alcoholic beverage on the complainant's person. The officer interviewed the victim inside of the complainant's residence. The victim was emotionally distraught, the victim's clothing was in disorder and the victim's shirt strap was broken. The officer believed a felony had been committed based on the information obtained from the victim. In accordance with San Francisco Police Department General Order 6.09, which in part states, "Members shall make an arrest, whenever reasonable cause exists to believe a felony has occurred." The officer told the complainant the reason for the arrest. The evidence proved that the act alleged did occur; however, the act was proper and lawful.

**SUMMARY OF ALLEGATION #2-5:** The officers used force during the arrest.

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

**FINDINGS OF FACT:** The complainant stated the officers grabbed him, handcuffed him and threw him down on the ground outside of his apartment. All officers denied the allegation. No other witness came forward during the investigation. 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:** 07/24/09 **DATE OF COMPLETION:** 01/05/10 **PAGE#** 2 of 4

**SUMMARY OF ALLEGATION #6-9:** The officers failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated the officers did not investigate the incident properly. Department records show the officers were dispatched to the complainant's residence regarding a domestic disturbance. The officers were informed the victim was being held against her will and there were weapons inside the residence. The complainant opened the front door of his apartment and let the officers inside the apartment. The officers arrived and spoke with the complainant and interviewed the victim of alleged domestic violence. The officers observed the victim was emotionally distraught, the victim's clothing was in disorder and the victim's shirt strap was broken. The officers believed a crime had been committed based on the gathered information. The officers believed a felony had occurred based on the information obtained from the victim and in accordance with department general orders the complainant was arrested. The officers told the complainant the reason for the arrest. The evidence proved that the alleged act did occur; however, the act was proper and lawful.

**SUMMARY OF ALLEGATION #10-13:** The officers entered the residence without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers entered his residence without his permission. Department records show the officers were dispatched to a domestic disturbance at the complainant's residence. The officers were informed the victim was held against her will and there were weapons inside the residence. The complainant opened the front door of the apartment and the complainant did not verbally or physically deny the officers entry into the apartment. The officers interviewed the victim inside of the complainant's apartment. The evidence proved the officers entered the residence; however, the act was proper and lawful, due to exigent circumstances.

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COMPLAINT SUMMARY REPORT**

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**SUMMARY OF ALLEGATION #14:** The officers searched the residence without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers searched his apartment without a reason. The officer denied the allegation. Department records show the officers were dispatched to a domestic disturbance at the complainant's residence. The dispatcher informed the officer the victim was being held against her will, and there were weapons inside the residence. The complainant opened the front door to the apartment and did not verbally or physically deny the officers entry into the apartment. The officers observed the victim inside the complainant's apartment. The officers interviewed the victim. The officers believed a crime had been committed based on the gathered information. The officers arrested the complainant inside the apartment. The officer made a visual search of the complainant's apartment for weapons based on the information obtained from the police dispatcher and the victim. The officers did locate weapons inside the complainant's apartment. The evidence proved that the alleged act did occur; however, the act was proper and legal.

**SUMMARY OF ALLEGATION #15:** The officers seized property without cause.

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

**FINDINGS OF FACT:** The complainant stated that after he was arrested the officers seized his property from inside his apartment. Department records show the officers were dispatched to a domestic disturbance at the complainant's residence. The dispatcher informed the officers the victim was held against her will and there were weapons inside the complainant's residence. The officers interviewed the victim inside the complainant's apartment. The officers believed a crime had been committed based on the gathered information. The complainant was arrested inside the apartment. The officer made a visual search of the complainant's apartment for weapons based on the information obtained from the victim and the dispatcher. The officer seized the weapons in accordance to Department General Order 6.09, which in part states, "Members shall confiscate any firearm or other deadly weapons discovered at a domestic violence scene. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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**DATE OF COMPLAINT:** 07/24/09    **DATE OF COMPLETION:** 01/05/10    **PAGE#** 4 of 4

**SUMMARY OF ALLEGATION #16:** The officer failed to release documents upon request of the complainant.

<b>CATEGORY OF CONDUCT</b>	<b>ND</b>	<b>FINDING</b>	<b>PC</b>	<b>DEPT. ACTION:</b>
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**FINDINGS OF FACT:** The complainant stated he went to the Police Department's record unit and the Domestic Violence unit to request a copy of a domestic violence incident report, in which he was listed as the arrested individual. The complainant stated he was not given a copy of the domestic violence incident report. The Police Department domestic violence detail investigator did not release the incident report requested by the complainant. San Francisco Police Department General Order 3.16, II A 1, the department may withhold release of information, if the released information would endanger the safety of the person involved in an investigation. The evidence proved that the act alleged did occur, however, said act was proper and lawful.

**SUMMARY OF ALLEGATION #:**

<b>CATEGORY OF CONDUCT</b>	<b>FINDING</b>	<b>DEPT. ACTION:</b>
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**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 02/06/09    **DATE OF COMPLETION:** 01/13/10    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer used profanity towards the complainant.

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

**FINDINGS OF FACT:** Office of Citizen Complaints made numerous contact attempts to locate and interview the complainant, to no avail. The complainant has failed to make contact with OCC. The information provided by the complainant (OCC 293 form) does not match SFPD records. The complainant failed to provide additional requested evidence.

**SUMMARY OF ALLEGATION #2:** The officer failed to take an incident report.

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

**FINDINGS OF FACT:** Office of Citizen Complaints made numerous contact attempts to locate and interview the complainant, to no avail. The complainant has failed to make contact with OCC. The information provided by the complainant (OCC 293 form) does not match SFPD records. The complainant failed to provide additional requested evidence.



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**DATE OF COMPLAINT:** 02/06/09    **DATE OF COMPLETION:** 01/13/10    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer was biased against a homeless person.

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

**FINDINGS OF FACT:** Office of Citizen Complaints made numerous contact attempts to locate and interview the complainant, to no avail. The complainant has failed to make contact with OCC. The information provided by the complainant (OCC 293 form) does not match SFPD records. The complainant failed to provide additional requested evidence.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 08/06/09 **DATE OF COMPLETION:** 01/19/10 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** Officers are harassing the complainant.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 08/10/09 **DATE OF COMPLETION:** 01/05/10 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The complainant was arrested for possession of narcotics paraphernalia and for violation of a stay away order. The complainant acknowledged being in possession of narcotics paraphernalia. Department records showed the complainant had a stay away order from the area he was arrested. The officer's conduct was proper.

**SUMMARY OF ALLEGATION #2:** The officer used unnecessary force to arrest the complainant.

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

**FINDINGS OF FACT:** The complainant stated the officer "slammed" him to the ground and dragged him, causing injuries to his knee and back as well as a scratch above his left eye. A photo taken of the complainant immediately after his arrest did not show any visible injuries. According to jail medical records, the only recent trauma reported on the day of his arrest was a right knee skin tear, which required a band-aid. Approximately two months after his arrest, the complainant told jail medical personnel that he hit his head while he was arrested. Jail medical records noted a small abrasion above his left eyebrow that was dry and healing.

A friend of the complainant stated he witnessed the arrest. This witness stated he saw the officer punch the complainant's face while the complainant was standing up. The complainant and witness statements contradict each other and are in conflict about the incident.

The officer stated when he told the complainant to put his right hand behind his back, the complainant struck him in the face. The officer stated he kept hold of the complainant's left hand, turned him around, and put the complainant on the ground. They both fell to the ground. He denied slamming the complainant to the ground or dragging him. Photos of the officer taken at the time of the arrest showed two long red marks on his right cheek. There was no additional evidence or witnesses to further prove or disprove the allegation.

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**DATE OF COMPLAINT:** 08/03/09 **DATE OF COMPLETION:** 01/07/10 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complaint stated that he told the DEM dispatcher that he would be taking his daughter to the hospital and nobody would be home. However, when the complainant returned to this residence, he found the entrance and one of the inside doors broken by the police. The evidence obtained by the OCC showed that, given the extent of the information available to the responding officers at the time, their decision to force entry into the complainant's residence (in his absence) was proper. The evidence proved that the acts, which provided the basis for the allegation, indeed occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #2:** This complaint raised matters outside of the OCC's jurisdiction.

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

**FINDINGS OF FACT:** This complaint raised matters outside of the OCC's jurisdiction and was forwarded for investigation to:

Client Services Manager  
Operations Department of Emergency Management  
1011 Turk Street  
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT** 08/18/09 **DATE OF COMPLETION:** 01/26/10 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant was stopped for failure to yield to a pedestrian in a marked crosswalk and was issued a citation. The complainant saw two people standing on the curb and they waved him on. The officer observed that the driver of the vehicle did not stop and yield the right of way to the two pedestrians in the marked crosswalk. The officer stopped and issued the complainant a citation for the violation. No witness came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer made threatening and inappropriate comments to the complainant.

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

**FINDINGS OF FACT:** The complainant stated after signing the citation, the complainant informed the officer he was contesting the citation in court. The complainant stated the officer made the statement, "Oh, you want to contest this in court? How would you like another ticket for illegally passing on the right?" The named officer denied the allegation. The officer routinely tells drivers of other violations they have committed, but will not issue them a citation for those infractions. The officer's main purpose is to educate and inform the drivers of those violations. No witness came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**DATE OF COMPLAINT** 08/18/09 **DATE OF COMPLETION:** 01/26/10 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer wrote an inaccurate report, the Officer's Written Declaration.

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

**FINDINGS OF FACT:** The complainant stated he went to traffic court and read the officer's written declaration submitted to the court. The complainant stated the officer misrepresented the facts of the incident. The officer denied the allegation. The officer stated he completed the written declaration and that his declaration was accurate and truthful. The officer made notations on the citation in order to recall the traffic stop. The complainant and the officer were unable to provide a copy of the written declaration. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 08/25/09 **DATE OF COMPLETION:** 01/20/10 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers acted in an inappropriate manner.

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

**FINDINGS OF FACT:** The complaint stated that the officers were rude and lacked “people skills” when handling her request for police assistance. The named members denied acting in the manner alleged. There were no other identifiable witnesses to this police contact. The available evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 08/31/09    **DATE OF COMPLETION:** 01/04/10    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1 & 2:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated that her adult daughter told her that she had been assaulted inside a nightclub by two other women, and that her purse was lost or stolen. The complainant's daughter told two uniformed officers outside the club what had happened, but they took no action. The complainant stated that she drove to the club to pick up her daughter and saw two uniformed officers standing on the corner. The complainant saw her daughter being attacked by another woman in the street, and when she exited her car to intercede, someone stole her purse from her car. The officers at the corner took no action. The complainant's daughter stated that she told one of the uniformed officers that she and her female friend had been attacked inside the club and that someone had stolen her purse, but that the officer took no action. The complainant's daughter stated that the altercation in the street took place over a half a block away from the club. The daughter's companion stated that the complainant's daughter approached two uniformed officers and told them that she had been attacked inside the club and that her purse was missing, but that the officers took no action. The named officers stated that they were working a special assignment outside the nightclub but that they did not recall a woman reporting an assault or a theft to them, nor did they see an altercation in the street. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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**DATE OF COMPLAINT:** 08/31/09    **DATE OF COMPLETION:** 01/05/10    **PAGE #1** of 1

**SUMMARY OF ALLEGATION #1:** The officer drove a police vehicle improperly.

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

**FINDINGS OF FACT:** The complainant stated that she was riding her bicycle in a traffic lane when she realized a police car was driving approximately one foot behind her. The complainant gestured for the officer to drive around her, and the officer yelled for her to move into the bicycle lane just to her right. The police car followed the complainant at this close distance for approximately ten seconds then drove past her. The named officer stated he was behind the complainant at a red light, and that when it turned green, the complainant continued riding in the traffic lane at a very slow speed rather than moving into the bicycle lane. As the named officer was waiting for an opportunity to change lanes to go around the complainant, he moved to within two to four feet of her bicycle at a speed of approximately three miles an hour. The named officer stated that as they reached the next intersection, the complainant moved into the bicycle lane and he drove past her. There were no witnesses to the incident. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 09/01/09    **DATE OF COMPLETION:** 01/08/10    **PAGE# 1 of 3**

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

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

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

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

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

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/01/09 **DATE OF COMPLETION:** 01/08/10 **PAGE# 2 of 3**

**SUMMARY OF ALLEGATION #3:** The officer displayed his firearm 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 #4:** The officer filed false charges against the complainant.

**CATEGORY OF CONDUCT:** ND **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:** 09/01/09 **DATE OF COMPLETION:** 01/08/10 **PAGE# 3 of 3**

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

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

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

**SUMMARY OF ALLEGATION #6:** The officer practiced racially biased policing.

**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:** 09/08/09      **DATE OF COMPLETION:** 01/26/10      **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1 & 2:** The officers arrested the complainant without probable cause.

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

**FINDINGS OF FACT:** The complainant admitted to having a burned out rear brake light on his vehicle, but said the officers had no reason to arrest and incarcerate him for driving under the influence, especially when he passed the Preliminary Alcohol Screening Test. The complainant denied drinking any alcoholic beverages or taking any drugs that would impair his motor skills or judgment. The officers said they were initially behind the complainant's vehicle when they first saw the complainant's vehicle had a malfunctioning taillight. The officers followed the vehicle and determined the complainant was driving the vehicle significantly faster than the posted speed limit. The officers stopped the driver for these motor vehicle infractions and through visual observation of the complainant's behavior, physical appearance and speech, as well as by questions the officers asked, considering the complainant's responses to these questions, a series of Field Sobriety Tests administered to the complainant, and the suspected illegal drugs that were found on the complainant incident to a search, these officers arrested the complainant on suspicion of driving his vehicle under the influence of alcohol or drugs. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #3 & 4:** The officers towed the complainant's vehicle without cause.

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

**FINDINGS OF FACT:** The complainant said he and the officers agreed that the officers would not tow the complainant's vehicle even though the officers had the right to tow it, pursuant to the arrest of the complainant for driving under the influence. Instead, the officers initially agreed to leave the complainant's vehicle parked in a location near the scene where the complainant was arrested. Therefore, the complainant could retrieve his vehicle from this location after the complainant was released from jail. The officers said they could not secure the vehicle because of a malfunctioning window. They informed the complainant about the malfunctioning window and explained the problem to the complainant. The complainant did not provide any remedy for the window to operate correctly. In order to shield the department from liability in the event the vehicle was vandalized or stolen, the officers had to have the complainant's vehicle towed to a secure location. 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:** 09/10/09    **DATE OF COMPLETION:** 01/07/10    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer issued the complainant a citation on August 8, 2009 without cause.

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

**FINDINGS OF FACT:** The complainant stated that the officer issued her a citation for running a stop sign. The complainant denied running the stop sign. The named officer and his partner both stated they observed the complainant run the stop sign. The named officer then issued her a citation for that violation. There were no witnesses to the traffic stop. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer issued the complainant a citation on August 14, 2009 without cause.

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

**FINDINGS OF FACT:** The complainant stated that the officer issued her a citation for running a stop sign within five days of the same officer issuing her a citation for also running a stop sign again. The complainant denied that she ran the stop sign and said she was informed that an officer cannot issue the person a citation for the same violation within five days of the first citation. The officer and his partner both stated they observed the complainant run the stop sign. Both officers stated they were unaware of any law preventing them from issuing a second citation to the same person within five days of the violation. OCC could not find any law or authority on that matter. There were no witnesses to the traffic stop. There is insufficient evidence to either prove or disprove the allegation that the officer issued a citation without cause.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/09/09 **DATE OF COMPLETION:** 01/05/10 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant alleged that the officers arrested him without cause. The officers stated the complainant was arrested for making criminal threats. The witness said the complainant made a threat to shoot him. The complainant wrote a statement that was attached to the incident report. The statement has admissions that the complainant was the aggressor in this matter when he followed a person and then threw a water bottle at the person's vehicle because the complainant was mad. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/11/09 **DATE OF COMPLETION:** 01/05/10 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complaint said the officer slammed an arrestee against a metal gate during her detention, causing a laceration over her eye. The officer denied the allegation. A witness on the scene denied the allegation, and confirmed the subject detained already had a small cut over her eye before her detention. Another witness on the scene did not respond to the Office of Citizen Complaints' requests for an interview. Attempts to locate the detained subject were unsuccessful. There were no other known independent witnesses on the scene. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complaint said the officer told a female he detained to shut up. The officer and a witness denied the allegation. Another witness on the scene did not respond to the Office of Citizen Complaints' requests for an interview. Attempts to locate the detained subject were unsuccessful. There were no other known independent witnesses on the scene. There is insufficient evidence to either prove or disprove the allegation.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/11/09 **DATE OF COMPLETION:** 01/05/10 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #3:** The officer's biased policing toward a transgender person was inappropriate.

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

**FINDINGS OF FACT:** The complaint said the officer's actions and statements showed bias toward her, because she is a transgender woman. The officer stated there was someone near him objecting about his detention of a female robbery suspect, but denied the allegation and said he was focused only on the suspect under arrest. A witness on the scene denied there was anyone who came over to the officer to object about the suspect's detention. Another witness did not respond to the Office of Citizen Complaints' requests for an interview. The Office of Citizen Complaints' attempts to locate the subject detained were unsuccessful. Two other witnesses who arrived late to the scene did not see anyone approach the officer while they were on the scene. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer used excessive force during a contact.

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

**FINDINGS OF FACT:** The complainant said the officer shoved her once when she objected to the manner in which the officer was arresting another female. The officer denied the allegation and a witness denied anyone approached the officer during this incident. Another witness did not respond to the Office of Citizen Complaints' requests for an interview. The Office of Citizen Complaints' attempts to locate the subject were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/11/09 **DATE OF COMPLETION:** 01/05/10 **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The complainant said the officer used profanity. The officer denied the allegation. A witness denied the allegation and said no one interacted with the officer during his arrest of a female robbery suspect. Another witness did not respond to The Office of Citizen Complaints' requests for an interview. The Office of Citizen Complaints' attempts to locate the subject arrested were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/12/09    **DATE OF COMPLETION:** 01/04/10    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the officer refused to talk with her or to take a report concerning a fraud report she had filed several months earlier at the same police station which had been forwarded to the Department's Fraud Detail for investigation. A Sergeant who spoke with the complainant at the station stated that he explained to the complainant that she needed to contact the Fraud Detail about her existing case, and that they could not take another report about the matter at the district station unless the complainant had new information, which was not the case. Officers at district stations are not responsible for discussing cases that have been referred to the Department's Investigations Bureau. The evidence established that the officer's actions were proper.

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

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

**FINDINGS OF FACT:** The complainant stated that she went to the police station five months earlier and filed an identity theft report. The complainant returned to the station to follow up an identity theft report that she had filed there five months earlier because she was unhappy with the outcome of the investigation conducted by the Fraud Detail. The complainant stated that the named officer, who was working at the counter at the station said she did not have time to speak with the complainant about this matter. The named officer denied making this statement to the complainant. The named officer stated that she repeatedly told the complainant that a Police Service Aid would assist her, but that the complainant demanded to speak with an officer, and that she had a Sergeant speak with the complainant. The Sergeant who spoke with the complainant contradicted a significant element of the complainant's account of this incident. Department records establish that a Police Service Aid was serving at the front counter of the station at the time of this incident, and that the named officer was assigned as the Station Keeper. The named officer fulfilled her responsibilities by advising the complainant that the Police Service Aid would assist her, and was not required to discuss a report that had been referred to the Department's Investigations Bureau. The evidence established that the officer's actions were proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/12/09 **DATE OF COMPLETION:** 01/04/10 **PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Police Department's Management Control Division.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/17/09    **DATE OF COMPLETION:** 01/04/10    **PAGE #1** of 1

**SUMMARY OF ALLEGATION #1:** The officer failed to write an incident report.

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

**FINDINGS OF FACT:** The complainant stated the officer should have written a traffic accident report. The complainant admitted she did not request a report from the officer. Per Department General Orders (DGO) 9.02, I., B., the officers need not investigate or report non-injury (property damage) vehicle accidents. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/25/09      **DATE OF COMPLETION:** 01/12/10      **PAGE #** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officer banged on her door, yelled at her, threatened to cite her, and did not want to hear her side of the story. The officer denied the allegation. One witness corroborated that the officer was angry and yelled at the complainant. Another witness stated that the officer spoke in a civilized manner and heard the complainant yelling at the officer. Due to conflicting statements there is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/02/09 **DATE OF COMPLETION:** 01/27/10 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer made inappropriate comments and acted in an inappropriate manner.

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

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

**SUMMARY OF ALLEGATION #2:** The officer made an inappropriate comment.

**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:** 10/06/09 **DATE OF COMPLETION:** 01/26/10 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officer was rude, not professional, and lacked empathy toward her. The complainant further said the officer yelled at her during her interview. The officer denied the allegation. The officer stated she was calm, courteous, empathetic, and professional. The officer said the complainant was abrupt, defensive, rude, and short with her. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The Office of the District Attorney failed to conduct a thorough investigation.

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

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

Office of the District Attorney  
Hall of Justice  
850 Bryant Street, Room 325  
San Francisco, CA 94103  
Phone: (415) 553-1752



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/08/09 **DATE OF COMPLETION:** 01/20/10 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer made inappropriate comments to the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the named officer told him during the unrecorded part of the jail interview that he would not receive medical attention until he confessed to the crime he'd been charged with and that he would be released from jail sooner if he confessed. The named officer denied making these statements. There were no witnesses. The complainant's credibility is diminished by the fact that statements he made to the OCC are contradicted by other evidence and by his refusal to respond to numerous questions posed by the OCC. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer filed inappropriate charges against the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the named officer caused him to be charged with a robbery, when such an offense was not supported by the available evidence. The crime victim and a witness established that the complainant stole property from the victim using force. A police investigation located the victim's property next to the complainant at the location where he was detained several blocks away. The complainant provided incriminating statements to the named officer during an interview. The evidence established that the named officer presented the available evidence to the prosecutor, who decided what charges to bring against the complainant. The evidence established that the actions of the named officer were lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/14/09 **DATE OF COMPLETION:** 01/21/10 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The named officer denied the allegation. There were no witnesses. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/26/09 **DATE OF COMPLETION:** 01/27/10 **PAGE#** 1 of 2

**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 a withdrawal of the complaint.

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

**CATEGORY OF CONDUCT:** UF **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:** 10/26/09 **DATE OF COMPLETION:** 01/27/10 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer applied the handcuffs too tightly.

**CATEGORY OF CONDUCT:** UF **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:** 11/17/09 **DATE OF COMPLETION:** 01/06/10 **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 alleged that the officer behaved inappropriately. The officer stated she was professional to the complainant all throughout the contact. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/23/09 **DATE OF COMPLETION:** 01/04/10 **PAGE #**1of 1

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

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

**FINDINGS OF FACT:** This complaint raises matters outside OCC's jurisdiction. The complainant complained that a police vehicle drove in an erratic manner and failed to comply with the rules of the road. The complainant recorded the number of the police vehicle. Both the complainant and his passenger were adamant that they had recorded the correct number that was reported to the OCC. A review of the San Francisco Police Department records show that there is no San Francisco Police Department vehicle matching the number provided by the complainant to the OCC.

The agency that the police vehicle is assigned to has not been determined and as such the complaint cannot be referred to another law enforcement agency.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/02/09    **DATE OF COMPLETION:** 01/14/10    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant gave SFPD and the OCC three contradictory accounts in three consecutive days about when the incident occurred and about the identity of the person who caused his alleged injuries. There was no independent evidence of a police contact with the complainant in any of the three possible dates. There was insufficient evidence to either prove or disprove the allegation against any particular officer.

**SUMMARY OF ALLEGATION #2:** The officer used excessive force during a contact.

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

**FINDINGS OF FACT:** The complainant gave SFPD and the OCC three contradictory accounts in three consecutive days about when the incident occurred and about the identity of the person who caused his alleged injuries. Medical records negate the presence of head or ankle trauma. Medical records regarding a fracture of the fifth metatarsal are inconclusive about the cause of the injury. There was no independent evidence of a police contact with the complainant in any of the three dates in the police sector. There was insufficient evidence to either prove or disprove the allegation against any particular officer.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/29/09 **DATE OF COMPLETION:** 01/04/10 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant alleged the officer failed to stop when she tried to get his attention. The officer denied the allegation. No other witnesses came forward. There was no additional evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/28/09    **DATE OF COMPLETION:** 01/25/10    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that the officer cited her for parking in a tow away zone. The complainant admitted in her narrative that she was parked in a restricted area for a special event. The Office of Citizen Complaints confirmed the area was a tow away zone on the date and time and location the complainant parked. 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:** 01/05/10    **DATE OF COMPLETION:** 01/20/10    **PAGE #1** of 1

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/05/10 **DATE OF COMPLETION:** 01/06/10 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that she saw the officer park his police motorcycle at a metered parking space without putting money in the meter. City law exempts city-owned vehicles from the law requiring adherence to the metered parking ordinance. The evidence proved that the actions alleged were proper, lawful and justified.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/12/10    **DATE OF COMPLETION:** 01/25/10    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer seized personal property without justification.

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

**FINDINGS OF FACT:** The complainant submitted a written complaint in which she alleged that two officers stole her California identification after she was escorted out of a residential hotel. The complainant would not submit to an OCC interview. Strong and convincing evidence established that the complainant's California identification was neither seen nor seized by any officer. Two witnesses stated that another tenant took the complainant's identification after she threw it on the front desk as she trespassed into the hotel. Hotel management retrieved the complainant's identification from the tenant, and personally returned it to the complainant the same evening she had submitted her OCC complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/19/10 **DATE OF COMPLETION:** 01/20/10 **PAGE #**1 of 1

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

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

**FINDINGS OF FACT:** This allegation raises matters outside 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:** 01/19/10 **DATE OF COMPLETION:** 01/20/10 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** This complaint raises matters not within OCC's jurisdiction. The complaint has been referred to:

Office of the Chief Trial Attorney  
The State Bar of California  
1149 South Hill Street  
Los Angeles, CA 90015-2299

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/03/09 **DATE OF COMPLETION:** 01/27/10 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant told a superior officer that the named officer broke his fingers, injured his back, and digitally penetrated his anus during an arrest and search. The named officer denied the allegations. Medical records did not support the allegations. A separate San Francisco Police Department investigation of the incident did not support the allegations. The complainant did not respond for an interview with the Office of Citizen Complaints. 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:** 02/20/09    **DATE OF COMPLETION:** 01/05/10    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant alleged a restaurant employee, for no apparent reason, forced her out of the restaurant; refused to give her the food she had ordered; and refused to refund the money she had paid for a take-out order. The restaurant employee said the complainant was drunk, loud, belligerent, harassing store customers and attempting to destroy restaurant property. After being summoned, police arrived and also observed that the complainant was drunk. The officer approached the complainant. The complainant made profane comments, began moving about uncontrollably and raised a clenched fist to the officer. The officer, fearing the complainant would strike her, subdued and arrested the complainant with the assistance of another officer. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer beat her causing bruising on various parts of her body and slammed the complainant's head several times against the roof of the patrol car. The complainant identified several bruises on her body to support her allegation. The officer denied striking or beating the complainant in any way. The officer stated she arrested and handcuffed the complainant in accordance with Department policy. A restaurant employee said he witnessed the complainant being arrested, handcuffed and placed in the patrol car. The restaurant employee said he did not see the police mistreat the complainant. Because the restaurant employee did not have continuous visual contact on the complainant through the various processes of the complainant's arrest and detention, there is insufficient evidence to either prove or disprove the allegation.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/20/09    **DATE OF COMPLETION:** 01/05/10    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #3:** The officer applied tight handcuffs.

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

**FINDINGS OF FACT:** The complainant alleged the officer applied handcuffs too tightly when the officer first handcuffed the complainant. Additionally, the complainant said the officer slung her about while yanking on the handcuffs. The complainant said she suffered bruising to her wrists. The complainant said she told the officer the handcuffs were too tight, but the officer refused to loosen them. The officer said she placed handcuffs on the intoxicated complainant and tested the handcuffs for the proper degree of tightness in accordance with Department policy. The officer determined the complainant injured her (complainant's) wrists when the complainant voluntarily rolled on her back in the rear seat of the patrol car and began kicking the side rear window. The restaurant employee, who called police dispatch about the complainant, witnessed the complainant being arrested, handcuffed and placed in the patrol car. The restaurant employee said he did not see the police mistreat the complainant in any way. Because the restaurant employee did not have continuous visual contact on the complainant through the various processes of the complainant's arrest and detention, there is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant said the officer made sarcastic remarks to the complainant while the complainant was sitting inside a jail cell. The officer denied making these remarks. The officer's partner said he did not recall anything about this incident. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/20/09    **DATE OF COMPLETION:** 01/05/10    **PAGE#** 3 of 3

**SUMMARY OF OCC ADDED ALLEGATIONS #1 - 3:** The officer failed to document and log the use of force.

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

**FINDINGS OF FACT:** An officer reported she was injured while subduing an intoxicated prisoner who was kicking the side rear window of the patrol car. After warning the prisoner to stop kicking the window, the arresting officer had to perform a two-handed hair pull in order to extract the complainant from the patrol car. The officer placed the complainant stomach-side on the ground until the complainant calmed down. The officer also reported the complainant complained of pain to the complainant's wrists where the complainant was handcuffed. The arresting officer determined the pain to the complainant's wrists was not the result of force used by the officer or tight handcuffs. Instead, the arresting officer determined that the complainant, rolling on her back and kicking the side rear window of the patrol car, caused the pain herself. Higher-ranking officers, to whom the arresting officer reported these events, agreed with the arresting officer that an entry in the Use of Force Log was not required. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated he was sitting in his car when he and his passenger were detained. The officer stated he smelled marijuana emanating from the complainant's vehicle when he approached the complainant to ask him a question, giving the officer reasonable suspicion to detain the complainant and his passenger. The complainant's passenger did not come forward. The officer's partner did not smell the marijuana from where he was standing. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #2-3:** The officers searched the complainant's vehicle without cause.

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

**FINDINGS OF FACT:** The complainant alleged that his vehicle was searched without his consent. The named officer stated that he smelled marijuana emanating from the complainant's vehicle, giving the officer reasonable suspicion to search the vehicle. The complainant denied having marijuana on his person or in his vehicle. The complainant's passenger did not come forward. Other officers at the scene denied participating in the search of the complainant's vehicle. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer removed contents from his ashtray, including cigarette butts and placed substances in a plastic bag. The officer acknowledged that he removed contents from the complainant's ashtray and placed them in a plastic bag. The officer smelled the contents, found the contents to be ashes, and discarded the ashes at the scene. The cover officers denied the allegation and/or did not recall the incident. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #5:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant alleged that the officer fabricated a charge against the passenger of his vehicle. The officer denied the allegation. The complainant's passenger did not come forward. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer removed his property that included cigarette butts from his ashtray and did not give him a property receipt. The officer acknowledged that he removed contents from the complainant's ashtray and placed them in a plastic bag. The officer smelled the contents, found the contents to be ashes, and discarded the ashes at the scene. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #7:** The officer arrested the complainant's passenger without cause.

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

**FINDINGS OF FACT:** The complainant stated that his passenger was arrested without cause. The officer stated that the complainant's passenger was arrested for possession of marijuana and also for giving a fake name. The complainant's passenger did not come forward. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The OCC alleged that the officer searched the complainant's passenger without cause. Court documents showed that a judge ruled that the officer conducted an illegal search of the complainant's passenger and suppressed the evidence. The ruling was based on case law that restricts the search of unburnt marijuana to the driver and the vehicle. The officer wrote in the incident report and testified that he searched the complainant's passenger for marijuana, found suspected heroin and placed the passenger under arrest. In his interview at OCC, however, the officer stated that he searched the complainant's passenger incident to arrest. The complainant stated that the officer falsely accused his passenger of giving a false name, placing the complainant's passenger under arrest. The complainant's passenger did not come forward. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer used force during the complainant's arrest.

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

**FINDINGS OF FACT:** In his written statement, the complainant alleged that the officer used force during his arrest. The complainant stated that when the officer grabbed his arm, the complainant pulled his arm away. The officer and witnesses said that the complainant resisted during the arrest. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated that he was arrested without cause. The officer stated that the complainant was arrested for possession of tobacco, resisting arrest and for battery on a police officer. The officer's account of what happened was supported by the witnesses interviewed by the OCC. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** In his written statement, the complainant stated that he and the officer were arguing about the complainant wearing a hat inside the school. The complainant alleged that the officer was in his face, yelling at the complainant, telling the complainant that he had no rights. The officer stated that the complainant was argumentative, refusing to comply with his orders. Two witnesses corroborated the verbal argument between the complainant and the officer. One of these witnesses said that she only remembered the verbal confrontation between the complainant and the officer. The other witness said that the officer's demeanor "was aggressive." This witness also said that the complainant was agitated, refusing to cooperate with the officer. Another witness said that the officer acted accordingly. This witness stated that the complainant was combative and uncooperative. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF OCC ADDED ALLEGATION #3:** The officer failed to document the use of force in the Use of Force Log.

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

**FINDINGS OF FACT:** In his written statement, the complainant alleged that the officer used force during his arrest. The complainant stated that when the officer grabbed his arm, the complainant pulled his arm away. The arresting officer stated that he notified his supervisor of the possible use of force. The arresting officer stated that at the station the complainant complained of pain to his neck and back and was subsequently taken to San Francisco General Hospital. The supervising officer stated that he did not recall the incident and did not make an entry in the Use of Force Log. The evidence established that the supervising officer's neglected to make the entry as required per Department General Order 5.01. 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 made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the officer made inappropriate comments toward him during his arrest. The officer denied the allegation. Several witness officers did not hear the officer make any inappropriate comments during this incident. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer used excessive force.

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

**FINDINGS OF FACT:** The complainant stated the officer used excessive force on him during his arrest. The officer denied the allegation. Several witness officers did not observe the officer use excessive force on the complainant. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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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 stated the officer arrested him without cause. The officer conducted a traffic stop on the complainant. During the traffic stop the officer smelled alcohol on the complainant's breath and asked the complainant to exit the vehicle in order to administer a field sobriety test. The complainant refused to take the test; therefore, the officer placed the complainant under arrest. The complainant admitted to refusing to perform the field sobriety test. The evidence proved that the act which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant stated the officer searched his vehicle without justification. The officer admitted searching the complainant's vehicle in order to do an inventory check since the complainant was being booked and the vehicle was going to be towed. 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 towed the complainant's vehicle without justification.

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

**FINDINGS OF FACT:** The complainant stated the officer towed his vehicle without justification. The officer stated he towed the complainant's vehicle because the complainant was being placed under arrest for driving under the influence of alcohol and the vehicle could not be secured at the location. According to Department General Order 9.06, an officer had the authority to tow a vehicle if the owner is being arrested and the vehicle cannot be secured. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to make the required E585 entry.

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

**FINDINGS OF FACT:** The officer conducted a traffic stop on the complainant. The officer stated he made the required E585 entry on either his MDT terminal or he completed the worksheet for it to be entered at another time. A request was made to the San Francisco Police Department for records to show the E585 entry was completed. The Department responded by stating that no records were found supporting the officer's belief that he had completed the required E585 traffic stop data collection entry. 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 OCC ADDED ALLEGATION #2:** The officer failed to comply with DGO 5.01.

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

**FINDINGS OF FACT:** The complainant stated the officer used excessive force on him during his arrest. The officer stated the complainant fell and caused his own injuries, therefore no force was used and there was no failure to comply with DGO 5.01 by not documenting the use of force log. There are no independent witnesses to support either claim by the complainant or the officer. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The arresting officer notified his superior that the complainant had been injured and that an ambulance had been summoned. The superior failed to investigate or inquire how the injury to the complainant was sustained. 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 proper.