

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/01/06 **DATE OF COMPLETION:** 02/19/06 **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complaint raises matters outside of OCC's jurisdiction.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 01/27/06   **DATE OF COMPLETION:** 02/21/06   **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The officer cited the complainant for animal cruelty and inadequate care of two canines. Animal Care and Control took custody of the complainant's dogs. An Animal Care Control Supervisor stated that the canines were in extremely poor condition and were hospitalized for problems related to starvation and medical neglect. The officer's actions were proper.

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

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

**FINDINGS OF FACT:** The officer impounded the complainant's dogs after being informed that the dogs were being starved by the complainant and left in their own feces and urine. Animal Care and Control took custody of the complainant's dogs. An Animal Care Control Supervisor stated that the canines were in extremely poor condition and were hospitalized for problems related to starvation and medical neglect. The officer's actions were proper.

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**DATE OF COMPLAINT:** 02/03/06 **DATE OF COMPLETION:** 02/21/06 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The complainant questions the manner in which noise complaints are being addressed by the San Francisco Police Department .

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

**FINDINGS OF FACT:** The evidence proved that the action complained of did not involve a sworn member of the Department. This complaint has been referred to:

San Francisco Police Department  
Ingleside Station  
1 John Young Lane  
San Francisco, CA 94112

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 02/02/05    **DATE OF COMPLETION:** 02/24/06    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1 - 3:** The officers used unnecessary force.

**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:**

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**DATE OF COMPLAINT:** 02/04/05    **DATE OF COMPLETION:** 02/25/06    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1 and 2:** The officers used excessive force.

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

**FINDINGS OF FACT:** The complainant stated the officers pushed him into the police van in such a manner as to cause him to strike his head on the doorframe, causing an injury. Medical records confirmed a laceration to the complainant's head. The officers denied using unnecessary force, stating the complainant caused the injury himself when he stood up as he entered the van. A witness said the complainant was very intoxicated, that he stood up on his own when he entered the van, causing his own injuries, and that the officers were not touching him at the time. The complainant admitted to being under the influence of alcohol. One officer stated that he "held (the complainant) lightly" as he got into the van. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #3:** This allegation raises matters outside OCC's jurisdiction.

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

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

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**OCC ADDED ALLEGATION**

**SUMMARY OF ALLEGATIONS #1:** The officers failed to report and document the use of force.

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

**FINDINGS OF FACT:** There is insufficient evidence to establish whether or not reportable force was used.

**SUMMARY OF ALLEGATIONS #2:** The officers failed to report and document the use of force.

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

**FINDINGS OF FACT:** There is insufficient evidence to establish whether or not reportable force was used.

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**DATE OF COMPLAINT:** 02/06/06 **DATE OF COMPLETION:** 02/23/06 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The evidence proved that the action complained of did not involve a sworn member of the Department. This complaint has been referred to:

Department of Parking and Traffic Manager  
Citation Division  
1380 Howard Street, Ste. #100  
San Francisco, CA 94103

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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**DATE OF COMPLAINT:** 02/08/05    **DATE OF COMPLETION:** 02/28/06    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The officer said she reasonably believed the complainant was involved in a drug transaction after observing furtive movements by the complainant while she interacted with other individuals in a high drug trafficking area. The complainant denied being involved in a drug transaction. A witness officer did not see the alleged “furtive” movement that resulted in the detention. There were no other identified witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer said that after lawfully detaining the complainant, suspected illegal narcotics were found in her possession. There is insufficient evidence to determine whether or not the detention was reasonable, therefore the subsequent actions of the officer are also irresolute, including the arrest.

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**SUMMARY OF ALLEGATION #3:** The officer conducted an inappropriate search of the complainant.

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

**FINDINGS OF FACT:** The officer said that after lawfully detaining the complainant a pat search was conducted and suspect narcotics were found inside her underwear and removed. The officer denied the allegation. The second officer at the scene denied observing the alleged act. Another witness said she believed the officer's conduct was inappropriate. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer conducted a search of the complainant without the requisite approval.

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

**FINDINGS OF FACT:** The officer denied the allegation. A witness officer denied the allegation to be true. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer failed to read the complainant her Miranda Rights.

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

**FINDINGS OF FACT:** The questioning referenced by the complainant in this regard did not require a reading of her Miranda Warnings therefore there is no evidence of improper conduct by the officer.

**SUMMARY OF ALLEGATIONS 6 and 7:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The officers denied the allegation. There were no identified witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

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

**SUMMARY OF ALLEGATION #2:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The officer admitted to the action. The action does not rise to the level of misconduct but nor is it proper on it's face.

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

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

**FINDINGS OF FACT:** Because there is inconclusive evidence as to the justification for the detention, the subsequent actions of the officer are also indeterminate. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer used excessive force against the complainant at the station.

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

**FINDINGS OF FACT:** Numerous officers involved in the arrest and transportation of the complainant denied the allegation. The investigation was unable to identify the officer who committed the alleged act. Medical records obtained by the OCC corroborate the injuries alleged to have occurred. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS 5, 6 and 7:** The officers failed to take proper care and maintain proper control of a prisoner.

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

**FINDINGS OF FACT:** The officers denied that the alleged act occurred. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #8:** The officer(s) stripped the complainant of his clothes without justification.

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

**FINDINGS OF FACT:** This allegation raises matters outside the OCC's jurisdiction. This allegation has been referred to the San Francisco Sheriff's Department.

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**SUMMARY OF ALLEGATIONS#1-2** The officers displayed and pointed their firearms without justification.

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

**FINDINGS OF FACT:** Both officers stated that they displayed and pointed their firearm at the complainant because the complainant would not comply with their orders, was a felony suspect and was attempting to flee. One witness stated that, when she woke up inside the vehicle, she saw an officer try to grab the complainant's hand and then the complainant drove away. Another witness stated that the complainant ignored the officers' orders to roll down his window and then fled the scene. A third witness stated that he saw an officer struggling with the complainant through the driver's side window, then the complainant suddenly accelerated almost striking the officer. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATIONS#3-4** The officers failed to identify themselves.

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

**FINDINGS OF FACT:** Both officers were in plain clothes. They stated that they wore their badges in plain sight and yelled, "Police" to the complainant. A witness inside the complainant's car stated that the an officer said, "San Francisco Police." Another witness stated that she saw an officer approach the complainant and showed the complainant his badge. This officer said, "Police" several times. The officers' conduct was proper.

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**SUMMARY OF ALLEGATION #5:** The officer discharged a firearm toward a moving vehicle without cause.

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

**FINDINGS OF FACT:** The officer stated that he was just twenty feet from the complainant when the complainant unexpectedly turned towards him at a starting speed of 30 MPH; the officer stated that moving out of the way wasn't enough to save his own life. One pedestrian stated that the complainant suddenly made a U-turn and drove straight at the officer at 40 MPH. This pedestrian also stated that he had to run to keep from getting hit by the complainant. A second witness stated that the complainant drove over a median and spun directly towards the officer, gunning his engine. A third witness stated that the complainant swerved violently towards the officer and he saw the complainant reach under his seat. A fourth witness stated that he saw the complainant jump the median and drive towards the officer. There was no additional evidence to further prove or disprove this allegation.

**SUMMARY OF ALLEGATION #6:** The officer used unnecessary force during the complainant's arrest.

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

**FINDINGS OF FACT:** The complainant stated he was kicked and punched by several officers. The complainant could not identify the officers. The complainant's medical records (from SFGH and Jail) stated that the complainant had no visible injuries at the time of his arrest and subsequent to his arrest. Emergency room records stated that the complainant was uncooperative and refused to remove his clothing. Two months after his arrest, the complainant told medical personnel that he was hit with a baton. Three officers who arrested the complainant stated that the complainant was not kicked or punched. Two of the arresting officer stated that the complainant resisted arrest. There was no additional evidence to further prove or disprove this allegation.



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**SUMMARY OF ALLEGATION #1-3:** The officers entered the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers entered her residence looking for someone that she does not know. The officers stated that probation officers were looking for a subject who resided at the complainants address per his rap sheet and driver's license. The probation officers stated that they had a warrant for the subject and they spoke to him prior to having SFPD breach the door because the suspect would not open the door. The subject's rap sheet indicates he has a search condition that was active at the time of this entry. The Warrant Bureau also had records of the warrant in their system. During the Office of Citizen Complaints interview, the complainant did not want to reveal her sons name initially but later confessed his name and it matched the name of the subject being sought.

**SUMMARY OF ALLEGATION #4-5:** The officers intentionally damaged the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated that the officers damaged her door for no reason. The officers stated that they had been called by probation officers to breach the door in order to prevent a felon from escaping. The officers stated this was an exigency because the probation officers had spoken to the wanted subject and knew he was inside the residence but had refused to open the door. The senior ranking officer stated he had the probation officers confirm that the warrant was active and then he did a knock and notice but there was no response. Probation officers corroborated that they confirmed the warrant, they spoke to the wanted subject prior to breaching the door, and that they asked SFPD to breach the door to prevent the wanted subject from escaping.

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**SUMMARY OF ALLEGATION # 6-7:** The officers failed to take required action in not securing the complainant's apartment.

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

**FINDINGS OF FACT:** The complainant said that the door is a total loss and the door would not lock. The officers stated the top bolt was damaged but the door was still able to lock by the lower handle secured the front door. The officer documented this in his memo and took photos of the damage. One Probation Officer corroborated that the door was damaged but the officers were still able to secure the door.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-4:** The officers entered the residence without cause.

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

**FINDINGS OF FACT:** The Office of Citizen Complaints verified through the Department of Adult Probation that the complainant was on probation at the date and time the officers entered. One of the conditions of her probation included submission to police search of her residence at any time. The officers entered the residence at approximately 6:00 P.M. on the date complained of. The entry was proper.

**SUMMARY OF ALLEGATION #5-8:** The officers searched the residence without cause.

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

**FINDINGS OF FACT:** The complainant was on active probation at the time of the incident complained of. The Office of Citizen Complaints contacted the Department of Adult Probation. The Duty Officer responding to the Office of Citizen Complaints query stated that the complainant had a warrantless search condition for her residence on the date and time complained of. In their Office of Citizen Complaints interview, the officers stated that they received information from an informant that the complainant and her boyfriend were engaged in narcotics trafficking at the address in question. While on patrol in the area, the police saw the complainant's boyfriend at the scene. The officers entered and searched the residence as allowed by the complainant's search condition.

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**SUMMARY OF ALLEGATION #9:** The officer displayed his weapon without justification:

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

**FINDINGS OF FACT:** The complainant stated that an officer detained her boyfriend at gunpoint without justification. The witness did not corroborate the complainant's statement. The officers denied unholstering their weapons. There was insufficient evidence to prove or disprove the allegation made by the complainant.

**SUMMARY OF ALLEGATIONS #10-11:** The officers handcuffed the complainant's boyfriend without justification:

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

**FINDINGS OF FACT:** The officer stated that he had received information from an informant that the complainant and her boyfriend had been trafficking narcotics from the address where they planned to make entry. The officers made entry. The named officers reported that the complainant's boyfriend lingered near a large window by a balcony, which afforded an opportunity for escape. The officers stated that the complainant's boyfriend was angry and vocal about their entry and search and would not remain still. While denying responsibility as to who specifically handcuffed the complainant's boyfriend, the named officers stated that that the complainant's boyfriend was handcuffed for their safety, due to his vocal behavior and his failure to remain still. The officers were justified in handcuffing the complainant's boyfriend.

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**SUMMARY OF ALLEGATION #12:** The officer threatened the complainant's boyfriend.

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

**FINDINGS OF FACT:** The complainant stated that an officer threatened her boyfriend with a violent act if he did not comply with the officer's verbal orders. The investigation was unable to identify the individual officer who made the threatening statement. The officers that participated in the probation search of the complainant's residence denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

**SUMMARY OF ALLEGATIONS #13-16:** The officers' behavior was inappropriate.

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

**FINDINGS OF FACT:** The complainant stated that the officers terrified her children and children in her care by acting in an inappropriate manner, causing them to cry. The Office of Citizen Complaints queried the officers with regard to their conduct with the children and specifically how they made contact with the children. The officers who recalled the contact stated that they recalled 2-3 young children in the house. They denied the allegation, and remembered that the children were not fully clothed. They countered that the complainant and her boyfriend were vocal and verbally resistive, asserting that such vocalization played a role in upsetting the children. The officers recalled facilitating the retrieval of clothing for some of the children. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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**SUMMARY OF ALLEGATIONS #17-20:** The officers failed to identify themselves.

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

**FINDINGS OF FACT:** The complainant stated that the officers failed to identify themselves as members of the San Francisco Police Department. The officers denied the allegation, stating that they knocked and announced themselves. The officers stated that they wore their police issued stars on the outer-most clothing, as required for plain-clothes operations. The witness did not corroborate the complainant's allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

**SUMMARY OF ALLEGATIONS #:**

**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:** S            **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated the officer stopped him because he fit the description of a robbery suspect. The officer stated the complainant's description matched the description of the suspect she was looking for. The officer did not have reasonable suspicion and based the detention of description which differ significantly. The officer violated DGO 5.03 Investigative Detentions.

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

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

**FINDINGS OF FACT:** The complainant said the officer placed his right hand behind his back and bent his wrist. The officer denied the allegation. Another officer stated he did not see this while he was present. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer yelled and ordered him to sit down and offered no explanation. The officer stated that she did not tell the complainant why she was ordering him to sit down. The officer said she was alone and did not know if the complainant was armed and did not want to tell him she was detaining him because he fit the description of a robbery suspect until her back up arrived. Officers are obligated to advise the reason and purpose for the stop however, there is no rule as to when during the stop officers are to advise a person and in this case the complainant was eventually told the reason for the stop. The officer denied yelling at the complainant. There is insufficient evidence to prove or disprove that the officer exhibited inappropriate behavior.

**SUMMARY OF ALLEGATION #4:** The officer failed to issue an 849(b) slip.

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

**FINDINGS OF FACT:** The complainant was not provided with any paper. The officers stated that an 849(b) was not necessary because the complainant was only detained briefly, not moved, and not handcuffed. The CAD indicates that the incident took about 8 minutes. The complainant said he was pat searched and that force was used against him however; there were no witnesses. There is insufficient evidence to prove or disprove the allegation.



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

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

**FINDINGS OF FACT:** The complainant stated her vehicle should not have been towed. The complainant admitted that her son and friend had access to her vehicle. The officer stated the complainant's vehicle was used in a robbery. The officer conducted a license plate query through the Department of Motor Vehicle database; it matched the description given by the witness. The officer stated the complainant's vehicle was towed in an attempt to identify the people who committed this robbery. A witness identified the vehicle used during the robbery. 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 failed to properly process property.

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

**FINDINGS OF FACT:** The complainant stated when she released her vehicle and picked it up, the interior of the car had fingerprint powder. The complainant stated the officer should have had her car cleaned. The officer stated there is no protocol for detailing and, or cleaning property after it was processed for fingerprints in a felony crime. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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**SUMMARY OF ALLEGATION #3:** The officer intentionally damaged property.

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

**FINDINGS OF FACT:** The complainant stated her vehicle was damaged with scratches and dents. The officer stated he did not know of any damages to the complainant's car. The officer stated he did not process the complainant's vehicle. The officer stated the vehicle was towed and transferred by an outside agency because the vehicle was located at another jurisdiction. The officer stated the vehicle was in the possession of her friend and son at the time. There were no witnesses at the time. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #4:** The officer failed to release a vehicle without the storage fees dismissed.

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

**FINDINGS OF FACT:** The complainant stated she should not have been liable to pay for the storage fees accrued at the towing company. The complainant stated she is a resident of San Francisco; therefore she was not obligated to pay any vehicle storage fees. The officer stated the complainant's vehicle was towed outside of San Francisco and therefore out of his jurisdiction for any storage fees. The officer stated that the Traffic Administration determines if a waiver is given for a tow made in the San Francisco Police Department. The officer stated the San Francisco Police Department has no authority to waive fees for charges incurred in a different jurisdiction. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated he was stopped for no reason. The officer stated an unknown female flagged him down and told him that a man with a knife was following her. The woman pointed out the complainant to the officer. The officer stated that by the time he handcuffed the complainant for investigation the woman had left the area. The officer said he considered this to be no merit at that point, however, since the complainant was intoxicated, it now became a 647(f) detention for the complainant's own safety. Medical records and statements of a patrol special who had prior contact with the complainant confirmed the officer's statement that the complainant was intoxicated.

**SUMMARY OF ALLEGATIONS # 2:** The officers handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated he was handcuffed for no reason. The officer stated he handcuffed the complainant to do an investigative detention and since the complainant was stumbling he handcuffed him for safety reasons.

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**SUMMARY OF ALLEGATIONS #3:** The officers used excessive force while the complainant was in custody.

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

**FINDINGS OF FACT:** The complainant said he tried to stand up and an officer struck him in the nose and he lost consciousness. All officers shown as responding to the scene denied using force. One officer stated the complainant was intoxicated so he handcuffed the complainant and sat him on the curb while he went to get information from the reportee. An officer then saw the complainant lunge forward and land on his face. An officer said the complainant cut his face so he called an ambulance. A patrol special stated that during his presence at the scene the complainant did not fall. A patrol special stated that the complainant was bleeding in an earlier contact with parties unknown. There were no other witnesses.

**SUMMARY OF ALLEGATIONS #4:** The officer failed to properly process property.

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

**FINDINGS OF FACT:** The complainant said he retrieved his cell phone from his pants pocket but an unknown officer took it and later discarded the phone. The officers shown as responding to the scene denied the allegation. An officer stated that the complainant did not have a cell phone and said he could not have been able to get it because his hands were handcuffed. A patrol special did not recall seeing the complainant with a cell phone. There were no other witnesses.

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**SUMMARY OF ALLEGATIONS #5:** The officers failed to report and document the use of force.

**CATEGORY OF CONDUCT:** ND

**FINDING:** NS

**DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated he lost consciousness and woke up in the hospital. He said his girlfriend and employer called SFPD but the only information provided was the CAD number. The complainant said there was no report, or any document acknowledging his detention and use of force resulting in injuries. The officers shown responding to the scene denied the allegation of force. The named officer stated the complainant was intoxicated and injured himself by lunging and falling face first to the street. The officer stated the complainant never lost consciousness while he was present. The officer said no use of force was used so no report was made. The patrol special did not witness any use of force while he was present at the scene. There were no other witnesses.

**SUMMARY OF ALLEGATIONS #6:** The officer failed to write an Incident Report.

**CATEGORY OF CONDUCT:** ND

**FINDING:** NS

**DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated there was no report written to document this incident. The officer stated that a police report was not necessary because there was no criminal activity and there is no report required for a 647(f) detention. There were no other witnesses.

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**SUMMARY OF ALLEGATION #7:** The officer failed to issue a Certificate of Release.

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

**FINDINGS OF FACT:** The complainant stated he was not given any documentation regarding his detention. The officer stated that he did not know which officers were responsible for the complainant at the scene, but recalled that before he left the scene he asked for an 849(b) form and that an officer was completing one. All officers who responded to the scene denied that they were asked to complete an 849(b). A patrol special did not recall the officer requesting anyone to complete and 849(b) while he was at the scene. The responsibility remains with the detaining officer to ensure that the detention was documented. The detaining officer violated DGO 5.03 Investigative Detentions II A. 3 & 6.

**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 she was detained for no reason. The officer stated that he stopped the complainant, and subsequently arrested her, because he and his partner observed what they believed was a drug transaction taking place. The officers stated that an individual with the complainant confirmed that the complainant was about to sell drugs to him. No civilian witnesses were reached. There was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant was handcuffed because she was placed under arrest and transported to the police station. To handcuff an individual under these circumstances is proper.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer placed the handcuffs on her so tightly that they caused pain. The officer denied the allegation, stating that he did not handcuff the complainant, but that his partner did and had checked the handcuffs and double-locked them. The officer said the complainant never complained of pain or that the handcuffs were too tight. There were no civilian witnesses. Medical records showed that the complainant mentioned bruises, which she ascribed to handcuffing, but they were not visible to the examiner. There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer failed to loosen the complainant's handcuffs.

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

**FINDINGS OF FACT:** The complainant said she asked the officer to loosen her handcuffs, and that he ignored her request. The officer denied being asked to loosen the complainant's handcuffs. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation..



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

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

**FINDINGS OF FACT:** The complainant stated that the officers arrested her with sales of narcotics rather than possession for vindictive reasons based on her previous criminal record and said that the facts of the incident did not warrant her arrest for sales. The officers stated that they observed a narcotics transaction in process, that they were told by an individual at the scene that he was in the process of buying drugs from the complainant, and that the complainant was found to have bills in small denominations consistent with drug dealing and an amount of rocks of cocaine, individually wrapped, consistent with sales. The drugs taken from the complainant and the money were not in dispute and in themselves constituted a preponderance of evidence to establish that the officers had probable cause for the charges and arrest.

**SUMMARY OF ALLEGATION #7:** The officer used profane and threatening language.

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

**FINDINGS OF FACT:** The officers denied using or hearing profane language used or making or hearing any threats made. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #8:** The officer used excessive force while the complainant was in custody.

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

**FINDINGS OF FACT:** The complainant stated that the officer pulled her arms up at an eighty degree angle by grabbing the handcuffs. The officers denied that any officer pulled the complainant by the handcuffs. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #9:** The officer conducted an inappropriate strip search.

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

**FINDINGS OF FACT:** The complainant stated that the officer kept her handcuffed during a strip search and then made her uncomfortable by removing the complainant's clothing. The officer stated that she was alone with the complainant during the search and left her handcuffed for officer safety reasons. Removal of clothing is normal during a strip search. The officer's conduct of the search was not in violation of policy.

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**SUMMARY OF ALLEGATION #10:** The officer made an inappropriate comment to the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the officer told her she would always be charged with possessing drugs for sale because of her prior criminal history. The officer denied making the comment and said he merely explained to the complainant why she was being arrested for sales in the particular incident. There were no civilian witnesses. There was 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 exhibited inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The officer denied the allegation. A witness did not respond to the OCC's requests for an interview. There were no other known witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer issued an invalid order.

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

**FINDINGS OF FACT:** The officer admitted that during a civil stand-by he instructed the complainant to do something against the complainant's will. The complainant stated that but for the order by the officer he would not have taken the action he did to his financial detriment. The officer violated department procedures by acting in favor of one party over another during a civil stand-by.

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**SUMMARY OF ALLEGATION #3:** The officer threatened the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation. The complainant perceived the order by the officer as a threat although not explicitly articulated. The evidence is inconclusive as to whether or not the officer's instructions to the complainant rose to the level of a threat.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officer said that the car was reported illegally parked so he had it towed. Officers at the location of the vehicle said it was illegally parked and reported same to the named member who advised the officers to tow the vehicle. The complainant stated that she had parked the car earlier in the day and that it was legally parked. The complainant said that her brother was in possession of the keys to the vehicle at the time of the incident. The complainant's brother did not respond to the OCC's request for an interview. There were no other known witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer said that the car was reported illegally parked so he had it towed. Officers at the location of the vehicle said it was illegally parked and reported same to the named member who advised the officers to tow the vehicle. The vehicle was subsequently driven to the station where an inventory search was conducted pursuant to the tow. The vehicle was towed from the station. The complainant stated that she had parked the car earlier in the day and that it was legally parked. The complainant said that her brother was in possession of the keys to the vehicle at the time of the incident. The complainant's brother did not respond to the OCC's request for an interview. There were no other known witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer said that the car was reported illegally parked so he had it towed. An inventory search was conducted pursuant to the tow. Officers at the location of the vehicle said it was illegally parked and reported same to the named member who advised the officers to tow the vehicle. The complainant stated that she had parked the car earlier in the day and that it was legally parked. The complainant said that her brother was in possession of the keys to the vehicle at the time of the incident. The complainant's brother did not respond to the OCC's request for an interview. There were no other known witnesses. There is insufficient evidence to prove or disprove the allegation.

**OCC ADDED ALLEGATION**

**SUMMARY OF ALLEGATION #1:** The officer filed an incomplete and inaccurate report.

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

**FINDINGS OF FACT:** The incident report documents that the vehicle was towed because it was illegally parked. The tow slip documents that the vehicle was towed pursuant to an arrest. If the tow was pursuant to an arrest the officer is required to document the reason for the movement of the vehicle prior to the tow, which the officer failed to do. Although the documentation is incomplete, it does not rise to the level of sustainable misconduct.

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

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

**FINDINGS OF FACT:** The complainant stated that he saw one of the two officers colliding with a civilian on the way out of the building and then taunting that individual to a fight. During the photo line-up session, the complainant identified one officer likely to be involved in this contact but could not say what this officer did during the incident. The officer identified by the complainant did not recall this encounter. The officer's unit history showed that, around the time of the occurrence, he was in the immediate vicinity and quite likely could have been involved in the incident observed by the complainant. The Office of Citizen Complaints was unable to locate and interview the civilian involved in the occurrence or to find any police paperwork documenting the incident. The available evidence was insufficient to make a definitive resolution of the allegation and to name the specific officer responsible for the alleged inappropriate misconduct.

**SUMMARY OF ALLEGATION #2:** The officer issued invalid order.

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

**FINDINGS OF FACT:** According to the complainant, one of the officers involved in this incident issued an invalid order to the person with whom this officer collided on the way out of the building. During the photo line-up session, the complainant identified one officer as possibly involved in this contact but could not say what this officer did during the incident. The officer identified by the complainant did not recall this encounter. The officer's unit history showed that, around the time of the occurrence, he was in the immediate vicinity and could have been involved in the incident observed by the complainant. The Office of Citizen Complaints was unable to locate and interview the civilian involved in the occurrence. The available evidence was insufficient to make a definitive resolution of the allegation and to name the specific officer responsible for the alleged misconduct



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

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

**FINDINGS OF FACT:** According to the complainant, one of the officers involved in this incident handcuffed the person with whom this officer collided on the way out of the building. During the photo line-up session, the complainant identified one officer as possibly involved in this contact but could not say what this officer did during the incident. The officer identified by the complainant did not recall this encounter. The officer's unit history showed that, around the time of the occurrence, he was in the immediate vicinity and could have been a participant in the incident observed by the complainant. The Office of Citizen Complaints was unable to locate and interview the civilian involved in the occurrence. The available evidence was insufficient to make a definitive resolution of the allegation and to name the specific officer responsible for the alleged misconduct.

**SUMMARY OF ALLEGATIONS #4-5:** The officers used unnecessary force.

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

**FINDINGS OF FACT:** According to the complainant, after colliding with a civilian on the way out of the building, the officers "dragged" that person to the police station. During a photo line-up, the complainant identified one officer likely to be involved in this contact but could not say specifically what this officer did during the incident. The officer identified by the complainant did not recall this encounter. The officer's unit history showed that, around the time of the occurrence, he was in the immediate vicinity and could have been a participant in the incident observed by the complainant. The Office of Citizen Complaints was unable to locate the civilian involved in the occurrence or any police paperwork documenting the encounter. The available evidence was insufficient to make a definitive resolution of the allegation and to identify the second officer on the scene.

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**SUMMARY OF ALLEGATIONS #6-7:** The officers detained or arrested an individual without justification or cause.

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

**FINDINGS OF FACT:** The complainant stated that when two officers were leaving the building, they collided with a civilian and then detained/arrested that individual without justification or cause. During a photo line-up, the complainant identified one officer as likely participant in this contact. The officer identified by the complainant did not recall this encounter. The officer's unit history showed that, around the time of the occurrence, he was in the immediate vicinity and could have been involved in the incident observed by the complainant. The Office of Citizen Complaints was unable to locate the civilian involved in the occurrence or any police paperwork documenting the encounter. The available evidence was insufficient to make a definitive resolution of the allegation and to identify the second officer on the scene.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-3:** The officers entered the complainant's residence without justification or cause.

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

**FINDINGS OF FACT:** The complainant stated that the police entered her apartment without her permission. The officers stated that the complainant's children gave them permission to enter the apartment. The complainant denied that her children gave the police permission to enter the apartment. The complainant's children have not come forward after repeated requests. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation. It should be noted that police records showed that the police responded to the area on a report of a shooting.

**SUMMARY OF ALLEGATION #4:** The officer displayed his service weapon.

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

**FINDINGS OF FACT:** The complainant stated that the police displayed their service weapons to the complainant's children. The officers on scene denied pointing their weapons at the complainant's children. The complainant's children have not come forward after repeated requests. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #5-7:** The officers searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated that the officer searched her residence. However, she did not witness this event. Her children who witnessed the search have not come forward after repeated request. The officers stated they searched the complainant's residence looking for possible shooting victims. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #8:** The officer failed to take required action, allowing the complainant to speak with a supervisor.

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

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

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**SUMMARY OF ALLEGATION #9:** The officer spoke to the complainant in an inappropriate manner.

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

**FINDINGS OF FACT:** The officer denied the allegation. 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 ALLEGATION #1:** The officer detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated he was detained without reason. The officer denied the allegation, stating she on-viewed the complainant standing in a high drug trafficking area, congregating with known drug users, wearing clothes different from those frequenting the area, and who walked away from the officers upon their approaching the complainant. The Office of Citizen Complaints investigation determined that under prevailing federal and state law and Department General Order 5.03, the officer acted on instinct rather than reasonable suspicion when detaining the complainant. A preponderance of the evidence proved that the conduct complained of did occur and, using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer made inappropriate statements regarding his sitting on the ground and leaving the area. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer conducted an improper search and seizure.

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

**FINDINGS OF FACT:** The complainant stated he was pat searched during his detention without reason. The officer acknowledged pat searching the complainant for officer safety reasons. The Office of Citizen Complaints investigation determined there was insufficient reasonable suspicion to conduct the detention; therefore, there was no reason for the officer to have conducted the pat search of the complainant. Further, the officer articulated no reason other than the detention to have pat searched the complainant. A preponderance of the evidence proved that the conduct complained of did occur, however, said conduct was proper, using as a standard the applicable regulations of the Department.

**SUMMARY OF ALLEGATION #4:**The officer failed to return the complainant's identification card.

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

**FINDINGS OF FACT:** The complainant alleged that the officer refused to return his identification card, which he requested from the officer once his detention had ended. The officer denied the allegation, stating she returned the identification card to the complainant at the conclusion of his detention. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #1-4:**The officers displayed their service weapons without justification.

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

**FINDINGS OF FACT:** The complainant stated that the officers had their service revolvers out when they approached the car in which he was seated. His passenger said she did not see any weapons drawn. The officers denied having drawn their revolvers. There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #5-8:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that he was merely sitting in a car speaking to a friend when officers approached and made him get out of the vehicle. The officers stated that they had knowledge that the complainant had an outstanding warrant for his arrest and said they stopped him for that reason. The investigation established that the complainant did have an outstanding warrant at the time of his arrest and was also on parole with an active search condition. There is insufficient evidence to prove the allegation.



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**SUMMARY OF ALLEGATION #9-12** The officers arrested the complainant without cause.

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

**FINDINGS OF FACT:** The officers stated the complainant was arrested for an outstanding warrant and because of marijuana found in a vehicle under his control, as well as for the cocaine found on his person. The investigation established by a preponderance of evidence that the officers properly stopped and detained the complainant.

**SUMMARY OF ALLEGATION #13:** The officer's field search was intrusive and unjustified.

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

**FINDINGS OF FACT:** The complainant stated that an officer pulled down the complainant's pants and shorts, exposing his bare lower body to view during a search on the street. The complainant further stated that the officer reached between his buttocks and felt his genitalia during the search. The officer denied the allegation and stated that baggies of suspected rock cocaine were felt during a department-taught search of the complainant's waistband and extracted by the officer without any of the contact described by the complainant. A witness corroborated part, but not all, of the complainant's description of the search; however, the credibility of the witness testimony was challenged by several factors, and it was unlikely that the witness had a clear view of the search from where they were all positioned. There was insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #14:** The officer wrote an inaccurate Incident Report.

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

**FINDINGS OF FACT:** The complainant stated that the Incident Report stated that baggies of rock cocaine were found on the complainant's person during a search, although they were not. The officer who wrote the report stated that the officer who searched the complainant told the other officers that the baggies were found on the complainant and that is why he included the information in his report. The reporting officer is responsible to record the facts as they are supplied to him by the officers at the scene. There is no evidence to suggest that the information was inaccurate or that the reporting officer knew he was recording anything inaccurate. The officer further stated he did not include information on the passenger since she was not a suspect or a witness and was not detained or questioned.

**SUMMARY OF ALLEGATION #15:** The officer handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** It is permissible to handcuff a complainant prior to a search and in conjunction with an arrest. There was sufficient evidence to establish that the officers had prior knowledge that the complainant had a search condition and an outstanding warrant, though in fact, he had both.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 04/27/05      **DATE OF COMPLETION:** 02/25/06      **PAGE#4 of 4**

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

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

**FINDINGS OF FACT:** The complainant stated that an officer must have planted the rock cocaine that was said to have been taken from his person since the complainant stated he did not have any in his possession. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/10/05 **DATE OF COMPLETION:** 02/28/06 **PAGE # 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated that the officer was discourteous and disrespectful and made inappropriate remarks, regarding her parenting skills. The officers denied being discourteous and disrespectful to the complainant, although, admittedly, he did make a remark regarding the complainant's parenting skills to another person. The OCC investigation determined there to be sufficient evidence of the officer's having made an inappropriate remark and exhibiting inappropriate behavior towards the complainant, such that his actions were deemed improper.

**SUMMARY OF ALLEGATION #2:** The officer exhibited inappropriate behavior and/or made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that the officer smirked at another officer's offensive remarks, as if in agreement with the discourteous remarks made to the complainant. The officer denied the allegation. There is insufficient evidence or witness account(s) to prove or disprove the allegation.

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**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 05/10/05 **DATE OF COMPLETION:** 02/28/06 **PAGE # 2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer threatened the complainant.

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

**FINDINGS OF FACT:** The complainant stated the officer threatened to arrest her without justification. The officer denied the allegation, noting he only warned an angry complainant that she would be arrested for battery if she touched him. There is insufficient evidence or witness account(s) to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/23/05    **DATE OF COMPLETION:** 02/23/06    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The officer stated that he repeatedly contacted the complainant to “check up on her” but also acknowledged that he had a personal interest in the complainant. The officer had no professional reasons to check on the complainant and acted on his personal interests in her while in uniform and on duty. The officer’s attentions made complainant uneasy and frightened her. The San Francisco Police Department ordered the officer to stay away from the complainant. The allegation is sustained.

**SUMMARY OF ALLEGATION #2:** The officer misused Department property.

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

**FINDINGS OF FACT:** The officer stated that he repeatedly contacted the complainant to “check up on her” but also acknowledged that he had a personal interest in the complainant. The officer pursued his personal interests while in uniform and driving a marked patrol car. The allegation is sustained.

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**DATE OF COMPLAINT:** 05/23/05   **DATE OF COMPLETION:** 02/23/06   **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #3:** The officer misused police authority.

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

**FINDINGS OF FACT:** The officer stated that he identified himself as a police officer when making a personal visit to the complainant. The complainant opened her door only because she believed it was for police business. The officer gained access to the complainant's apartment building under color of authority, a violation of Department General Orders. The allegation is sustained.

**SUMMARY OF ALLEGATION #4:** The officer misused the California Law Enforcement Telecommunications System.

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

**FINDINGS OF FACT:** The officer stated that he ran the complainant's name and license plate while on duty. The officer could not provide a justifiable reason for doing so. He was not conducting an investigation. Officers may access CLETS data only on a "need to know" or "right to know" basis. The officer had no justifiable need to know the data he accessed, he did so out of personal curiosity, which is a violation of Department General Order 10.08. The allegation is sustained.

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**SUMMARY OF ALLEGATIONS #5-6:** The officers were inattentive to their duties.

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

**FINDINGS OF FACT:** The officers made a personal visit to the complainant while they were in uniform and on duty. Computer-aided dispatch records showed that the visit lasted less than ten minutes and did not interfere with the officers' duties. There was no additional evidence to further support or deny the allegation.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**



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**DATE OF COMPLAINT:** 07/12/05    **DATE OF COMPLETION:** 02/24/06    **PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The named officer denied the allegation, stating that he was polite and courteous during the traffic stop with the complainant. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The named officer acknowledged detaining the complainant for a traffic stop after observing the complainant fail to stop for a posted stop sign at Oakdale Avenue and Rankin Avenue. The complainant stated she obeyed the law and stopped at all signs. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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**DATE OF COMPLAINT:** 07/12/05    **DATE OF COMPLETION:** 02/24/06    **PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The named officer acknowledged observing and issuing a citation to the complainant for violating Vehicle Code section 22450. The named officer stated that when he advised the complainant of the reason for the traffic stop, she replied, "What stop sign?" The officer stated that he requested the complainant's drivers' license and proof of insurance. The complainant stated she stopped at all traffic signs. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 07/21/05      **DATE OF COMPLETION:** 02/24/06      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The officer denied the allegation, stating that the complainant was arrested for violating the Temporary Restraining Order filed on 03/14/2005. The officer stated that the complainant informed the officer that he had read his own personal copy of the Temporary Restraining Order. The complainant stated that he did not violate the Order. The officer stated that there was a witness officer to this incident. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The officer confiscated the complainant's property as direct evidence to prove that the complainant violated the Temporary Restraining Order. The complainant stated that the officer took his property without justification and provided a property receipt for his property. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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**DATE OF COMPLAINT:** 06/24/05    **DATE OF COMPLETION:** 02/24/06    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The officer stated that he observed the complainant conduct a narcotics transaction. When the officer approached the complainant, the complainant ran from the officer. The complainant ran into a restaurant with the officer in foot pursuit. Inside the restaurant, the complainant charged the officer in the narrow kitchen causing the officer to be injured. The officer stated that he feared for his safety because he was alone, the complainant was much larger than the officer and the officer was injured by the complainant's actions. The officer stated that he grabbed the complainant around the waist and then moved into a position where he placed the complainant into a carotid artery hold that restrained the complainant until other officers arrived to handcuff the complainant. The officer stated that he could not use chemical spray because others were present in the area and that he could not use his baton since the kitchen area was too narrow for effective use of the baton. No other officers stated that they used force and the complainant refused medical treatment. The evidence proved that the officer's actions were appropriate and justified.

**SUMMARY OF ALLEGATIONS #2:** The officer placed false charges on the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation and stated that the complainant was arrested and charged for possession and sales of crack cocaine and resisting arrest. The officer stated that he observed the complainant conduct a narcotics transaction, the complainant ran from the officer following the narcotics transaction, the complainant injured the officer in a physical struggle and the complainant attempted to destroy evidence which was later recovered and booked as evidence. The investigation proved that the officer placed the appropriate charges on the complaint and thus the officers actions were appropriate, proper and lawful

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

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

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

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

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

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

REVISED 04/20/00

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**SUMMARY OF ALLEGATION #3:** The officer used profanity.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

REVISED 04/20/00

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**SUMMARY OF ALLEGATION #1:** The officer allegedly used unnecessary force during an arrest.

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

**FINDINGS OF FACT:** The complainant did not respond to the Office of Citizen complaints numerous requests for contact, and did not provide information important to the investigation. The officer denied the allegation. No witnesses were noted in the Incident Report. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 08/15/05 **DATE OF COMPLETION:** 02/24/06 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The officer stated that he was conducting a narcotics surveillance operation when he saw the complainant working in conjunction with another person selling narcotics. The officer gave the description of the suspects to the arrest team, and the subjects were subsequently detained. The complainant denied the allegation. A witness, who allegedly bought narcotics from the subjects, denied buying narcotics from the subjects. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer stated that he was conducting a narcotics surveillance operation when he saw the complainant working in conjunction with another person selling narcotics. The officer gave the description of the suspects to the arrest team, and the subjects were subsequently taken into custody. The complainant denied the allegation. A witness, who allegedly bought narcotics from the subjects, denied being involved in the narcotics transaction. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.



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

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

**FINDINGS OF FACT:** The officer stated that he was conducting a narcotics surveillance operation when he saw the complainant working in conjunction with another person selling narcotics. The officer gave the description of the suspects to the arrest team, and the subjects were subsequently taken into custody. The complainant denied the allegation. A witness, who allegedly bought narcotics from the subjects, denied buying narcotics from the subjects. There was insufficient evidence to either prove or disprove that the complainant was involved in a narcotics transaction.

**SUMMARY OF ALLEGATION #4:** The officer stripped searched the complainant without cause.

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

**FINDINGS OF FACT:** The basis for this allegation is that the officer failed to comply with the department's strip search procedure. The identity of the alleged officer had not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer failed to request medical assistance for the complainant.

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

**FINDINGS OF FACT:** All of the officers questioned denied being asked for medical assistance. The identity of the alleged officer had not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #6:** The officer used unnecessary force against the complainant after she had been arrested.

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

**FINDINGS OF FACT:** The officers who were questioned about this particular allegation denied the allegation. The identity of the alleged officer had not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 08/18/05 **DATE OF COMPLETION:** 02/25/06 **PAGE#** 1 of 3

**SUMMARY OF ALLEGATION #1:** The officer's conduct reflected discredit for inappropriate comments and behavior

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

**FINDINGS OF FACT:** The officer denied the allegation. The officer stated that her demeanor was professional and brief, to avoid an argument with the complainant. The officer's previous contacts with the complainant have been confrontational. The officer did not have any contact with the complainant's passenger. The witness officer corroborated that the complainant was verbally aggressive.

The complainant stated the officer was following his limousine too closely. The complainant admitted tapping on his brakes to warn the officer of her close proximity to his vehicle. The officer denied that she was following the complainant's limousine too closely. The officer said that she drove the patrol vehicle approximately two (2) car lengths to the rear of the complainant's limousine. The witness officer corroborated that the officer drove behind the complainant's limousine approximately 40 feet to the rear, at a safe distance. There is sufficient evidence to either prove or disprove that the officer acted in a proper manner.

**SUMMARY OF ALLEGATION #2:** The officer's conduct reflected discredit for inappropriate comments and behavior

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

**FINDINGS OF FACT:** The officer denied the allegation. The officer stated that that his demeanor was professional. The officer admitted that he took a defensive stance while conversing with the complainant. The officer said that the complainant had become verbally and physically aggressive. The officer took a defensive stance for officer safety by increasing his distance between him and the complainant. The officer stated that the complainant has a history of aggressive behavior when stopped by other San Francisco Airport officers. The witness officer corroborated that the complainant's demeanor is confrontational during enforcement contacts at San Francisco Airport.

The officer did not have any contact with the complainant's passenger during the enforcement contact. 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 issued an admonishment without cause.

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

**FINDINGS OF FACT:** The officer denied the allegation. The officer issued two (2) Admonishments to the complainant after observing the complainant violate three (3) separate airport violations in a thirty-minute period. The officer issued the complainant an Admonishment Ticket at 2300 hrs for circling the upper roadway terminal, section SFIA 1.4.7(E)(12). The officer stated that circling the terminal roadway is prohibited, yet the SFIA states the limousine driver is prohibited from circling the terminal roadway excessively. The officer failed to articulate that the complainant circled the terminal excessively. In actuality, the complainant circled the terminal one time prior to being issued an Admonishment by the officer. The complainant had a pre-arranged pick up for a passenger on flight #1271, at 2255 hrs, as evidenced on his waybill.

The officer observed the complainant return to the same location and pickup his passenger at the Departure upper level, Terminal 1. The officer subsequently issued a second Admonishment Ticket to the complainant at 2310 hrs for (un) loading in an inappropriate zone, SFIA 1.4.7 (E)(27).

The Senior Transportation Planner of GTU Landside Operations stated that limousines are allowed to pickup on the upper level. A San Francisco Police Department Airport Sergeant corroborated that limousines are allowed to pickup passengers on upper or lower levels of the airport. Both officials stated that some San Francisco Police Department airport officers are unaware of this allowance, which was granted by the Airport Commission a few years ago. The San Francisco Police Department Airport Sergeant stated that a two-week orientation is required for patrol officers to become familiar with the rules and regulations of San Francisco Airport. However, the Airport Sergeant added that it is difficult to cover all the rules and regulations of San Francisco Airport during that time period.

The evidence proved that the action complained of was the result of inadequate or inappropriate training or the absence of needed training when viewed in light of Departmental policy and procedure.

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**SUMMARY OF ALLEGATION #4:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The officer denied the allegation. The officer issued the complainant a parking citation for SFIA 1.4.6©-White Zone, at 2250 hrs. The officer and his partner officer observed the complainant sitting in his limousine by himself at the White Zone curbside without any loading or unloading of passenger activities. The officer approached the complainant on foot and issued the citation. The officer's partner corroborated that the officer issued the complainant a citation for the white zone violation, during their encounters with the complainant on July 25, 2005. The officer enclosed a copy of parking citation SA-096747. The parking citation was issued to the complainant's vehicle, however the complainant's signature was not present or required on the parking violation citation.

The complainant denied receiving the citation from the officer. During the Office of Citizen Complaints interview, the complainant stated that he never parked in the white zone, and had no knowledge of the citation, until he received the notice in the mail.

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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**DATE OF COMPLAINT:** 08/19/05    **DATE OF COMPLETION:** 02/25/06    **PAGE# 1 of 2**

**SUMMARY OF ALLEGATION #1-2:** The officer wrote an inaccurate incident report.

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

**FINDINGS OF FACT:** In regards to the evidence collected, the reporting officer denied the allegation, stating that he recalled the evidence collected to have some form of pornographic titles. The digital photos submitted by SFPD legal corroborated that the incident report is consistent with the evidence collected at the scene. In regards to the statements made by the complainant's minor daughter, the reporting officer denied the allegation. The reporting officer stated that though he had limited contact with the minor child, she spoke fluent English and he did not have difficulty in understanding her. The reporting officer said that he spoke Cantonese as well, though the complainant's daughter spoke only English during the investigation. The assisting officer corroborated these statements. The investigation was unable to disclose sufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #3:** The officer failed to properly document property.

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

**FINDINGS OF FACT:** The named officer denied the allegation, stating that he did not view the tapes he collected at the scene. The named officer stated that he did not prepare the incident report and had no knowledge as to how the evidence was described in the incident report. The digital photos submitted by SFPD legal corroborated that the incident report is consistent with the evidence collected at the scene. . The named officer was not the documenting officer. The evidence proved that the named member was not involved in the alleged act.

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**SUMMARY OF ALLEGATION #4:** The officer failed to provide a Breathalyzer test.

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

**FINDINGS OF FACT:** SFPD officers are not obligated to provide Breathalyzer tests. Once in custody, complainant can hire his own expert to provide a Breathalyzer test, at his/her own expense. The officer's action was appropriate, pursuant to current Departmental Policy and Rules.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 08/23/05    **DATE OF COMPLETION:** 02/24/06    **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 named officer denied the allegation, stating that he arrested the complainant for breaking the arm of a SFFD firefighter with a four-foot stick, violating section 245(c) PC. The complainant admitted that he struck the fireman because he wanted to get him out of his residence. There were additional witnesses to this incident. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The named officer acknowledged handcuffing the complainant, but explained that he did so as a result of the complainant's arrest for the assault of 245(c) PC on a firefighter. The arresting officer stated that the complainant was handcuffed because he was under arrest for committing a violent felony. Two witness officers and the injured firefighter corroborated the account of the officer, and confirmed that the complainant was behaving erratically during the entire incident. The evidence proved that the acts which provided the basis for the allegations occurred' however, such acts were justified, lawful, and proper.



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**SUMMARY OF ALLEGATION #3:** The officer(s) used unnecessary force during the arrest.

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

**FINDINGS OF FACT:** The named officer denied the allegation, stating that he did not strike or observe any other officer strike the complainant. The officer denied dragging the complainant from his apartment to the street level. The officer stated that the complainant dragged his feet and lifted his legs in defiance of walking. The arresting and assisting officer did not observe the complainant being dragged from his apartment to the street level, nor did they observe any officer strike the complainant. The injured firefighter stated that after the assault, that he and his fellow firefighters removed the weapon from the complainant and restrained him till the police arrived. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #4:** The officer(s) made inappropriate comments to the complainant.

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

**FINDINGS OF FACT :** The officers present at the scene denied the allegation, stating that they did not make inappropriate comments to the complainant. The complainant's details of the events were not clear as to whether firefighters or officers were involved in the alleged misconduct. The complainant stated uncertainty of identities and was unable to identify specific recognition of uniforms and/or badges between the firefighters and the officers. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #4:** The officer(s) conducted inappropriate racial biased policing.

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

**FINDINGS OF FACT:** The officers present at the scene denied the allegation, stating that they did not utilize inappropriate racial biased policing towards the complainant. The complainant's details of the events were not clear as to whether firefighters or officers were involved in the alleged misconduct. The complainant stated uncertainty of identities and was unable to identify specific recognition of uniforms and/or badges between the firefighters and the officers. 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 #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:**08/25/05 **DATE OF COMPLETION:** 02/25/06 **PAGE# 1 of 3**

**SUMMARY OF ALLEGATION #1:** The officer failed to investigate a crime.

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

**FINDINGS OF FACT:** The complainant stated the officer failed to investigate her claim regarding a fellow resident threatening her life. SFPD employment records indicate the named member was not working at the time of the complainant's alleged interaction with the officer. Thus, the evidence proved the inaction attributed to the named officer, by the complaint, did not occur.

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

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

**FINDINGS OF FACT:** The complainant stated the officer should not have arrested her for battery, as her only involvement in the fight was to push the boyfriend of one of the two female combatants away. The officer denied the allegation, stating there was sufficient information obtained from the dispatcher's radio call and party statements to accept a private persons arrest for the complainant. The OCC investigation determined there was insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer failed to accept a private person arrest.

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

**FINDINGS OF FACT:** The complainant alleged that she requested the officer to accept her private person's arrest against a person who had committed a battery upon the complainant. The officer denied the allegation, stating the complainant never requested a private person's arrest be made. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the officer mocked and used profanity during her arrest. The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer threatened the complainant's daughter.

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

**FINDINGS OF FACT:** The complainant stated the officer threatened to arrest her daughter without cause. The officer denied the allegation, stating he informed the complainant's daughter that she would be subject to arrest if she continued her belligerent behavior. As there was insufficient information/evidence to determine whether the daughter's behavior was illegal in nature, there is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the officer seized her personal belongings and taunted her, refusing to leave her belongings with the complainant's daughter. The officer denied the allegation, stating he did not recall the complainant possessing any personal belongings or seizing such items. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #1-4:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated he sought the officers' help, as he was being swarmed and stung by bees, but instead, the officers aggressively detained him. The officers denied the allegation, stating the complainant had acted in a bizarre manner, suggesting he was suffering from mental illness, being under the influence of alcohol/narcotics, or some other malady, which indicated he may harm himself or others. A witness corroborated the complainant's unusual behavior, such that a well-being check and detention was a proper police action to take.

**SUMMARY OF ALLEGATION #5-6:** The officers failed to thoroughly investigate.

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

**FINDINGS OF FACT:** The complainant alleged the officers took no investigative steps to determine he was a city employee who had been swarmed and stung by bees. The officers denied the allegation, stating that at least one officer knew the complainant to be a city employee and that several officers searched for evidence of what occurred (i.e., active beehive, evidence of beestings) but were unable to find evidence or medically confirm the complainant's story. There is insufficient evidence or witness account(s) to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #7-9:** The officers used excessive force during the complainant's detention.

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

**FINDINGS OF FACT:** The complainant stated that he eventually calmed down and answered the officers' questions when an officer unexpectedly ordered him to be slammed to the ground, which the complainant alleged occurred. The officers denied the allegation, stating the complainant continued to exhibit an agitated and threatening manner and, as a last resort, to ensure the safety of the complainant and others, employed SFPD Academy trained control holds to gain the complainant's compliance. There is insufficient evidence or witness account(s) to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #10-11:** The officers failed to promptly summon medical assistance.

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

**FINDINGS OF FACT:** The complainant feared the officers unreasonably delayed in summoning an ambulance, given the possible life-threatening risk of multiple bee stings. The officers denied the allegation, stating the complainant refused to provide the necessary information needed for them to assess the immediate need for an ambulance. The OCC investigation determined that, pursuant to SFPD policy, the officers summoned an ambulance within an appropriate period of time of making contact with the complainant, as corroborated by Emergency Communications Division records.

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**SUMMARY OF ALLEGATION #12:** The officer exhibited inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant alleged the officer made inappropriate comments during his detention. The officers denied the allegation. There is insufficient evidence or witness account(s) to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #13:** The officer(s) threatened a bystander.

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

**FINDINGS OF FACT:** The complainant alleged that a bystander protested the police action taken with the complainant, resulting in the officer(s) threatening the bystander with like treatment. The officers denied the allegation. There is insufficient evidence or witness account(s) to prove or disprove the allegation.



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**SUMMARY OF ALLEGATION #14:** The officer failed to properly process property.

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

**FINDINGS OF FACT:** The complainant stated the officer(s) failed to safeguard his personal property, as he lost his gardening equipment when being transported by ambulance to the hospital. The officers denied the allegation, stating the complainant's personal belongings were given to the paramedics for transport along with the complainant. The named officer reportedly gave the complainant's clothes to the paramedics but did not report a gardening tool he knew to have been in the complainant's possession during the SFPD contact. As another officer stated he gave the gardening tool to the paramedics, there is insufficient evidence or witness account(s) to prove or disprove the disposition of the complainant's personal property.

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

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

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

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

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

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

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

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

**SUMMARY OF ALLEGATION #4:** The officer behaved inappropriately and made inappropriate comments toward the complainant.

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

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

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

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

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

**SUMMARY OF ALLEGATION #6:** The officer failed to provide his name and/or star number upon request.

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

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

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**SUMMARY OF ALLEGATIONS #1-2:** The officers were inattentive to their duties.

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

**FINDINGS OF FACT:** The complainant stated that he witnessed a crime and reported it to the officers. The complainant alleged that the officers failed to respond to the scene on a timely manner and acted as if the complainant had interrupted their "leisure time." The officers denied the allegation. 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 ALLEGATION #1:** The officer failed to provide star number upon request.

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

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

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

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

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

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

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

**FINDINGS OF FACT:** This complaint raises matters outside OCC's jurisdiction and has been referred to the appropriate agency.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officer spoke to both parties. There were no other known witnesses to the threats complained of. The officer took a letter into evidence. He charged neither party with a crime, but rather documented their complaints and advised them. Under the circumstances, the officer did all that he was required by regulations and training to do.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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**SUMMARY OF ALLEGATION #1:** The officer was rude to the complainant on October 14, 2005.

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

**FINDINGS OF FACT:** The parties agreed to mediate this complaint. Mediation was successfully conducted on February 10, 2006.

**SUMMARY OF ALLEGATION #2:** The officer was rude to the complainant on October 14, 2005.

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

**FINDINGS OF FACT:** The complainant alleged the officer rudely spoke to him in a condescending and dismissive manner. The officer denied the allegation. There is insufficient evidence and/or witness account(s) to prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #1 to 9:** The officers searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** The officers searched the residence pursuant to a search warrant.

**SUMMARY OF ALLEGATIONS #10 and 11:** The officers made inappropriate comments and acted in an inappropriate manner.

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

**FINDINGS OF FACT:** The officer admitted to making the alleged comment. The alleged comment did not rise to the level of misconduct. The investigation was unable to identify the second officer who made alleged inappropriate comments or acted in an inappropriate manner.

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**SUMMARY OF ALLEGATION #12:** The officer handcuffed the complainant's nephew without justification.

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

**FINDINGS OF FACT:** The officer was executing a search warrant and the nephew was in the home at the time. The warrant was issued subsequent to a weapons related arrest. The officer and other officers on scene stated that it was necessary to handcuff the nephew during the search for officer safety. The officer was not unjustified in handcuffing the nephew under the circumstances.

**SUMMARY OF ALLEGATION #13:** The officer searched the complainant's nephew without justification.

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

**FINDINGS OF FACT:** The officer was executing a search warrant and the nephew was in the home at the time. The warrant was issued subsequent to a weapons related arrest. The officer and other officers on scene stated that it was necessary to search the nephew during the search for officer safety. The officer was not unjustified in searching the nephew under the circumstances.

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**SUMMARY OF ALLEGATIONS #14 and 15:** The officers caused damage to the complainant's door without justification.

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

**FINDINGS OF FACT:** The officers stated that ample time passed between the knock and announce to warrant the breach of the door which caused the damage thereto. Witness officers on the scene corroborated the officers' statements. A witness inside the home at the time of the breach did not respond to the OCC's requests for an interview. There is insufficient evidence to reach a definitive finding to this allegation.

**SUMMARY OF ALLEGATION #16:** The officer failed to provide the complainant with a complete and full copy of the warrant.

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

**FINDINGS OF FACT:** The officer denied the allegation. Several witness officers stated that they either saw the complainant receive or saw the documents left at the home. There is insufficient evidence to reach a definitive finding to this allegation.

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer failed to take an Incident Report.

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

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

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

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

**FINDINGS OF FACT:** The named officer denied the allegation. There was no witness. There is insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 11/28/05      **DATE OF COMPLETION:** 02/03/06      **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer made an inappropriate comment during a telephone call.

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

**FINDINGS OF FACT:** The complainant chose to withdraw his complaint.

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

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

**FINDINGS OF FACT:** The complainant chose to withdraw his complaint.

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

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

**FINDINGS OF FACT:** The complainant stated that she called the General Work Detail of the San Francisco Police Department and asked the person who answered the phone how to add information to the police report she had filed with the SFPD several weeks prior but the man refused to assist her. Two inspectors assigned to intake duties at the General Works stated to the OCC that they never spoke with the complainant over the phone. The information provided by the complainant was insufficient to identify the involved member and question him regarding the alleged misconduct.

**SUMMARY OF ALLEGATION #2:** The officer used uncivil language.

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

**FINDINGS OF FACT:** According to the complainant, when she called General Works Detail of the San Francisco Police Department, the man who answered the phone used rude and uncivil language. Two inspectors assigned to intake at the General Works on the day of the incident stated to the OCC that they never spoke with the complainant over the phone. The information provided by the complainant was insufficient to identify the involved member and question him regarding the alleged misconduct.



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

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

**FINDINGS OF FACT:** According to the complainant, when she asked the person who answered her call at the General Works Detail of the San Francisco Police Department to tell her his name and star number, the man hung up the phone. Two inspectors assigned to intake at the General Works on the day of the incident stated to the OCC that they never spoke with the complainant over the phone. The information provided by the complainant was insufficient to identify the involved member and question him regarding the alleged misconduct.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated the officer yelled at her, intimidated her, and accused her of having drugs. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The parties agreed to mediate this complaint. A mediation was successfully conducted on February 22, 2006.

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

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

**FINDINGS OF FACT:** The parties agreed to mediate this complaint. A mediation was successfully conducted on February 22, 2006.

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

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

**FINDINGS OF FACT:** This allegation falls within the jurisdiction of the San Francisco Sheriff's Department and has been forwarded to that agency for investigation.

**SUMMARY OF ALLEGATION #2:** The officer failed to prepare an accurate citation.

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

**FINDINGS OF FACT:** This allegation falls within the jurisdiction of the San Francisco Sheriff's Department and has been forwarded to that agency for investigation.

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

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

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

**SUMMARY OF ALLEGATION #2:** The officer failed to provide his name and/or star number upon request.

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

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

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officer and another officer denied the allegation. 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 ALLEGATION #1:** The officer detained the complainant without justification.

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

**FINDINGS OF FACT:** The officer acknowledged detaining the complainant, but explained that he had received a call for back up from the Embarcadero Security officer. The officer stated that the complainant had threatened the security officer with violence. The complainant stated that he had a verbal dispute with the security officer. The witness security officer stated that he requested assistance because he felt threatened by the complainant's aggression towards him. 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 handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The officer denied the allegation, stating that he handcuffed the complainant due to his highly agitated state and anger about the incident. The officer stated that the complainant attempted to leave the scene and would not follow his verbal commands. The witness security officer said that the complainant was argumentative and agitated towards the officer. The witness security officer stated the complainant was handcuffed for the safety of the complainant and the safety of the officers at the scene. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper



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**SUMMARY OF ALLEGATION #3:** The officer used unnecessary force (tight handcuffs) against the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation, stating that the complainant did not complain of pain from the handcuffs. The officer said that he did not observe any broken skin around the complainant's wrists. The complainant stated that when he informed the officer of his discomfort, the officer tightened the other handcuff even more. The complainant failed to provide photos of his wrists taken shortly after the incident to Office of Citizen Complaints. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The officer denied the allegation, stating that he conducted a quick cursory search for weapons on the complainant's outer clothing, pockets, and belt line and not a full search. The officer stated that the complainant was agitated, angry, and had threatened to physically hit the security officer. The complainant stated that the officer performed a pat search for weapons without cause. The witness security officer said that the complainant had advanced towards him while threatening to physically break his jaw. The security officer said that he feared the complainant's aggression towards him. 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 threatened the complainant and displayed inappropriate behavior.

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

**FINDINGS OF FACT:** The officer denied the allegation, stating that his demeanor was calm and professional during the contact with the complainant. The officer denied threatening the complainant, but rather that he explained to the complainant the reason for handcuffing him, the Certificate of Release, and warned him of the trespassing violation, should he return. The complainant said that the officer was rude and obnoxious. The security officer was satisfied with the outcome of the incident and that the officer admonished the complainant. 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 made threatening and inappropriate remarks to the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation. A witness present at the time of the alleged incident stated the officer made no such remarks. The evidence proved that the act alleged in the complaint did not occur.

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

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

**FINDINGS OF FACT:** The officers denied the allegation. 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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**SUMMARY OF ALLEGATION #4:** The officer used unnecessary force against the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation. A witness present at the time of the alleged incident stated the alleged event did not occur. The evidence proved that the act alleged in the complaint did not occur.

**SUMMARY OF ALLEGATIONS #5-6:** The officers applied the handcuffs too tightly to the complainant's wrists.

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

**FINDINGS OF FACT:** The officers denied the allegation. The complainant presented no physical or medical evidence that would corroborate his allegation. The evidence proved that the act alleged in the complaint did not occur.

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

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

**FINDINGS OF FACT:** The complainant stated that he told police officers about being assaulted and threatened with a knife but they neither took his report of the crime, nor investigated the incident. One member identified by the complainant as being involved in this incident did not recall ever meeting the complainant under the said circumstances. The description given by the complainant was insufficient to identify and interview the other members present at the scene.

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

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

**FINDINGS OF FACT:** The named member did not recall ever meeting the complainant under the circumstances described by the complainant or ever making the attributed comment. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated he was at the International Terminal at SFO when the officer told him to leave the airport because he did not belong there. The complainant stated the officer had no right to tell him to move along. The officer stated he was at another part of the airport and not at or near the scene. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer was rude in his attitude and demeanor.

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

**FINDINGS OF FACT:** The complainant stated the officer was rude and not courteous toward him. The officer stated he did not recall having contact with the complainant. The officer stated he was not at the location where the complainant stated they were. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that one officer made inappropriate comments and behaved in an inappropriate manner. The complainant stated the officer also threatened to arrest her and members of her family and generate a warrant for the complainant. The officer denied the allegation. He stated that he informed the complainant's mother that if she continued to interfere with the investigation that she would be arrested and the same was advised to the father. A witness did not respond for an OCC interview.

**SUMMARY OF ALLEGATION #2:** The officer gave incorrect information to the complainant.

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

**FINDINGS OF FACT:.** The complainant was told she could leave the scene and that she was not going to be arrested. The complainant was detained and taken to a non-custodial facility for juvenile detention. The officers denied the allegation. There were no witnesses to the complainant's conversation with the officer.

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

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

**FINDINGS OF FACT:** The complainant stated she was detained without cause prior to being released. The officers stated that the complainant was detained pursuant to a citizen's arrest implicating her in a battery. The officers said the complainant was transported to a facility per policy for citing juveniles. The officer said he contacted a juvenile probation officer per department policy. The probation officer made the decision to have the complainant taken to a non-custodial juvenile facility.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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

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

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

**SUMMARY OF ALLEGATION #2:** The officers' behavior was inappropriate.

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

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