

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/21/05 **DATE OF COMPLETION:** 03/30/06 **PAGE#** 1 of 2

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

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

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

SUMMARY OF ALLEGATIONS #3: The officer used an intimidating tone.

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

FINDINGS OF FACT: The named officer and one witness officer denied the allegations. There were no witnesses. There is insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATIONS #4, #5: The officers failed to provide their star numbers on request.

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

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

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers behaved in a threatening manner and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers were aggressive and antagonistic toward him. The named officer and the other officers at the scene stated they did not make any threatening or inappropriate gestures or comments toward the complainant. The one witness who came forward did not hear the conversations between the officers and the complainant. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the arresting officer refused to give his name and star number. The officer stated the complainant did not ask him for his name and star number. The one witness who came forward did not hear the conversation between the officer and the complainant. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4: The officer failed to advise the complainant why he was being arrested.

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

FINDINGS OF FACT: The complainant stated the arresting officer told him he was not going to tell him why he was being arrested. The officer stated he told the complainant why he was being arrested. The one witness who came forward did not hear the conversations between the officers and the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5: The officer failed to accept complainant's request for a Citizen's Arrest.

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

FINDINGS OF FACT: The complainant stated he asked an officer to make a citizen's arrest, but the officer ignored his request. The involved officers stated the complainant did not ask them for a citizen's arrest. The one witness who came forward did not hear the conversations between the officers and the complainant. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #6: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant was arrested pursuant to a citizen's arrest for battery and for being drunk in public. The complainant's girlfriend was also named in a citizen's arrest for battery, but was cited at the scene.

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

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

FINDINGS OF FACT: The complainant stated the officer placed handcuffs on him without justification. The complainant stated he was cooperative with the officer. The officer stated the complainant had an aggressive behavior and verbally combative. The witness stated the complainant was upset and angry, and had been involved in a physical altercation. The officer's actions were lawful, justified and proper.

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SUMMARY OF ALLEGATION #8-9: The officers failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated the transport officers were obligated to read to him his Miranda rights. The officers stated they did not question the complainant after the arrest. The officers were not obligated to read the complainant his Miranda rights because he was not subject to custodial interrogation.

SUMMARY OF ALLEGATION #10-11: The officers failed to provide an alcohol test.

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

FINDINGS OF FACT: The complainant stated he asked the arresting officer and another for an alcohol test but was told the test was not required. The named officer stated the complainant asked for a Breathalyzer test but he told the complainant the police are not required to perform such a test for a 647(f)PC booking at County Jail. The San Francisco Police Department Booking and Detention Manual specifies a procedure for responding to a request for an alcohol/drug test when a person is detained under 647(f)PC at a district station, but the procedure does not apply to County Jail bookings. The officers were not required to provide an alcohol test to the complainant under the circumstances of his booking.

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SUMMARY OF ALLEGATION #12: The officer wrote an incomplete Incident Report.

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

FINDINGS OF FACT: The complainant stated the officer did not identify another witness at the scene, and failed to take a statement from the complainant's girlfriend. The officer stated that all the witnesses are listed in the Incident Report. The complainant stated that his girlfriend was on her cell phone for most of the time the investigation was taking place. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #13: The officer brought a false charge against the complainant.

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

FINDINGS OF FACT: The complainant stated he was not intoxicated and was booked for being intoxicated in public 647(f). The complainant admitted to having consumed alcohol prior to the incident. The officer stated he observed that the complainant was unsteady on his feet, had alcohol on his breath, and was not able to care for himself. The witness was unable to state whether or not the complainant was intoxicated. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated that he detained the complainant in response to a citizen's arrest for battery and for being intoxicated in public. A woman at the scene signed a citizen's arrest of the complainant for assaulting her. A witness stated that the complainant was intoxicated and struck the woman. Two officers stated that the complainant was intoxicated. Medical records stated that the complainant was intoxicated and uncooperative. The officer's actions were proper.

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

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

FINDINGS OF FACT: The officer stated that the complainant was intoxicated and repeatedly refused orders to sit inside the patrol car. The officer stated that he utilized a right knee strike to the common peroneal, a Department-approved physical control, to gain control of the complainant. Two officers supported the named officer's statement of facts. A witness stated that the complainant was intoxicated, refused to get inside the patrol car and had to be helped inside the vehicle. This witness stated she did not see the type of force the officer used. There were no other available witnesses. There was insufficient evidence to further prove or disprove this allegation.

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SUMMARY OF ALLEGATION #1: The officers failed to identify themselves as police officers.

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

FINDINGS OF FACT: The complainant stated several unmarked police units blocked his path and not one on scene officers identified themselves as San Francisco Police Department Officers. All identified officers either denied being asked by the complainant for them to identify themselves, or that when asked they complied. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer wrote an incomplete and inaccurate report.

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

FINDINGS OF FACT: The complainant fled from the officers in a stolen vehicle. In the ensuing pursuit the complainant was involved in multiple traffic accidents. Once captured the complainant was identified by victims of the traffic accidents. Medical records document that the complainant was under the influence of narcotics, and had sustained a head injury. The department records show that the officer documents in the Incident Report her observations and what was reported to her.

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SUMMARY OF ALLEGATION #3: The officer failed to issue a property receipt.

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

FINDINGS OF FACT: The complainant stated he was not given a property receipt for his confiscated moneys, jewelry, or clothing. The officer stated he seized personal property from the stairwell from where the complainant was apprehended, the interior of the stolen vehicle and from the traffic accident scene. A San Francisco Police Department records listed the complainant's personal property from the complainant, the scene, and the stolen vehicle. The items seized were documented and held as evidence.

SUMMARY OF ALLEGATION #4: The officer failed to promptly receive the complainant's citizen complaint.

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

FINDINGS OF FACT: The complainant's letter of complaint was received at the Mayor's Office and six days later the letter of complaint was received at the Office of Citizen Complaints. The following day the complainant was interviewed by Office of Citizen Complaints.

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

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

FINDINGS OF FACT: The officer stated that his search of the complainant was consensual and was necessary in order for him to be transported by a Mobile Assistance van. The complainant did not recall the search as being consensual. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer took a pocketknife from him, which he later returned. The officer stated that he held the knife for the complainant so that the complainant could be transported to a detox site by van. He knew the knife had sentimental importance to the complainant and wanted to be sure he would get it back. In the spirit of community policing, and with the complainant's consent, the officer held the knife for safekeeping and returned it to the complainant when he returned from detox. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer misused his police authority by telling a clerk not to sell to the complainant.

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

FINDINGS OF FACT: The complainant stated that clerks at a neighborhood store told him that the officer had said for them not to sell the complainant any liquor. The officer stated that he reminded the storeowner that it was against the law to sell liquor to a person who was intoxicated, which the complainant frequently was. The storeowner confirmed that the complainant frequently came into the store intoxicated and that the officer had reminded him that the law prohibited them from selling liquor to the complainant when he was intoxicated. The storeowner stated that he instructed the clerks in his employ not to sell liquor to the complainant. The California Business and Professions Code makes it a misdemeanor for a person to sell alcohol to a habitual drunkard or obviously intoxicated person. It was permissible for the officer to remind the storeowner and his employees of the law.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant could not identify the officers. Two of the officers stated that they did not detain the complainant; they simply asked the complainant to stand elsewhere while they were speaking to the occupants of a vehicle. The third officer stated that he was working with the two officers but did not recall the complainant. Another officer stated that he was not present at this incident. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer called him a “crackhead.” The officer denied making the comment. Two other officers at the scene denied making or hearing inappropriate comments. A third officer stated that he was working with the two officers but did not recall this incident. A fourth officer stated that he was not present at this incident. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: Two officers denied threatening the complainant. A third officer stated that he was working with the two officers but did not recall the complainant. A fourth officer stated that he was not present at this incident. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #6: The officers failed to properly process narcotics.

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

FINDINGS OF FACT: Two officers stated that they did not seize narcotics from the complainant. A third officer stated that he was working with the two officers but did not recall the complainant. A fourth officer stated that he was not present at this incident. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officers stated that they entered the complainant's residence to conduct a probation search. The probationer, who has a search condition, was arrested the previous day for possession of a firearm, a violation of his probation. The complainant was arrested along with the probationer. The complainant acknowledged that her boyfriend was on probation and regularly stayed with her and their child. The officers' conduct was proper.

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

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

FINDINGS OF FACT: The officers stated that they conducted a probation search of the complainant's bedroom. The probationer, who has a search condition, was arrested the previous day for possession of a firearm, a violation of his probation. The officers stated that they were searching for additional firearms and gang material. The complainant acknowledged that her boyfriend is on probation and regularly stays with her and their child. She also stated that the search was limited to the bedroom she shares with the probationer. The officers' conduct was proper.

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SUMMARY OF ALLEGATION #5: The officer seized personal property without consent or cause.

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

FINDINGS OF FACT: The complainant stated that the officer took several documents that belonged to her boyfriend as well as a photo of the complainant and her boyfriend. The officer stated that he seized indicia belonging to a probationer whose probation had been revoked the day before, and who had a search condition. According to Department documents, the probationer was arrested the day before for possession of firearms, a violation of his probation. The officers' conduct was proper.

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

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

FINDINGS OF FACT: The officer denied making inappropriate comments. Another officer at the scene stated that he did not hear the officer make any inappropriate comments. There were no other available witnesses. There was insufficient evidence to either prove or disprove this allegation.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation was successfully conducted on February 27, 2006.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: According to the school documents, the complainant's son acknowledged using a master key to break into student lockers and steal property. The juvenile was suspended from school for these actions. The officer conducted an investigation that led to the transportation of the complainant's son to the Community Assessment Referral Center. The officer's actions were proper.

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

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

FINDINGS OF FACT: The officer denied this allegation and stated that, a week before the complainant's son was arrested, the officer informed the complainant of the police action and suspension of her son. The officer further stated that on the day of the juvenile's arrest, she made every effort to notify the complainant, and following that notification, the complainant called the school. The head counselor of the school confirmed the officer's statement and said she was with the officer when several telephone notifications were made to the complainant's family members. The officer's actions were proper.

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

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

FINDINGS OF FACT: The officers denied the allegation and stated the complainant and his friend were detained as a result of matching the description of two suspects in the commission of an auto burglary. In addition to their descriptions matching the suspects, they were standing in the reported location by a car that was described as the vehicle being burglarized. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers handcuffed the complainant and his friend without justification.

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

FINDINGS OF FACT: The officers denied the allegation and stated the complainant and his friend were detained and subsequently handcuffed as a result of their matching the descriptions of two suspects in the commission of an auto burglary. The officers justified the handcuffing based on the area of detention, report of a potential weapon and size of the detainees. 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 #1: This complaint raises matters outside OCC's jurisdiction.

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

FINDINGS OF FACT: This complaint raises matters outside the OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The officer stated that the complainant was arrested for being drunk in public and for resisting arrest. The complainant stated that he drank enough alcohol that evening to make him intoxicated. After being thrown out of a bar, the complainant could not recall what he did until he began “squirming” while being placed into a patrol car. Medical records showed that the complainant was intoxicated. There were no available witnesses as to whether or not the complainant resisted arrest. There is insufficient evidence to prove or disprove the allegation..

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

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

FINDINGS OF FACT: The officer stated that the complainant was cited for being drunk in public and for resisting arrest. The complainant stated that he drank enough alcohol that evening to make him intoxicated. After being thrown out of a bar, the complainant could not recall what he did until he began “squirming” while being placed into a patrol car. Medical records showed that the complainant was intoxicated. There were no available witnesses as to whether or not the complainant resisted arrest. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3-5: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The arresting officer stated the complainant was involved in a street fight before his arrest. She also stated the complainant was intoxicated and resisted arrest. Two supervising officers stated the complainant was guided to the ground and handcuffed. Two officers stated that they used a Department-approved control hold to handcuff the complainant. The complainant stated that he drank enough alcohol that evening to make him intoxicated. Medical records stated that the complainant was intoxicated, had multiple facial abrasions and a possible closed head injury. There was no additional evidence and no other available witnesses to support this allegation. There is insufficient evidence to establish the level of force necessary to detain/arrest the complainant.

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

FINDINGS OF FACT:

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

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

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

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

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

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

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

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

FINDINGS OF FACT: The officer denied that he was rude or intimidating during his contact with the complainant. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to write an incident report (12/19/2005)

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

FINDINGS OF FACT: The named officer denied the allegation, stating that the complainant was extremely irate, and belligerent while she provided a disjointed tirade of several allegations of kidnapping and sexual assault by Child Protective Services (CPS). The named officer provided information to the complainant regarding the procedure of filing a report, once her child had been examined by the hospital. The named officer stated that the complainant yelled at him and told him to leave her home. The witness officer at the scene corroborated the account of the officer. The witness officer confirmed that the complainant yelled at them in an incoherent tirade and refused any further assistance from both officers. There were no other witnesses. 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 #2-3: The officers arrested the complainant without cause. (12/25/2005)

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

FINDINGS OF FACT: The arresting officer denied the allegation, stating that the complainant was arrested after the reporting party/victim requested a citizen's arrest of the complainant. The arresting officer stated that the complainant had threatened and slapped the victim. The assisting officer at the scene corroborated the account of the arresting officer. The assisting officer stated that the victim feared the complainant's threats were credible. There were no other witnesses. The victim failed to respond to OCC contacts. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #4: The officer arrested the complainant due to retaliatory behavior. (12/25/2005)

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

FINDINGS OF FACT: The named officer denied the allegation, stating that the complainant was arrested after the reporting party/victim requested a citizen's arrest of the complainant. The named officer stated that the arrest was based on the domestic violence call, which involved the complainant threatening and slapping the victim. The witness officer corroborated the account of the named officer. There were no other witnesses. The victim failed to respond to OCC contacts. 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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CATEGORY OF CONDUCT: **FINDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers detained 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 allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers handcuffed the complainant without justification.

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 allegations, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/06 **DATE OF COMPLETION:** 03/17/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer had no authority to order him to move on while stopped at the baggage claim area at SFO. The officer stated that the complainant was violating SFIA Code §§ 145 and 146c (no waiting where 'no parking' signs posted, and stopping in a white zone); and CVC §27315(d) (failing to secure seatbelt.) The officer had the authority and discretion to order the complainant to comply with these laws. The officer's action was proper.

SUMMARY OF ALLEGATION #2: The officer had a rude demeanor and threatened the complainant.

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

FINDINGS OF FACT: The officer denied this allegation, saying the complainant was disrespectful and incorrigible. There were no available witnesses. There was not sufficient evidence to further prove or deny this allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/06 **DATE OF COMPLETION:** 03/14/06 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer drove in an unsafe manner.

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant withdrew the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/06 **DATE OF COMPLETION:** 03/14/06 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #4: The officer failed to follow procedures.

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

FINDINGS OF FACT: The complainant withdrew the complaint.

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DATE OF COMPLAINT: 01/06/06 **DATE OF COMPLETION:** 03/14/06 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer filed incomplete/inaccurate report.

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/05 **DATE OF COMPLETION:** 03/31/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officer failed to write/review an accurate Incident Report.

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

FINDINGS OF FACT: The named officers denied the allegation, stating that the Incident Report is accurate and clearly documented. The named officers on duty viewed the complainant exchange suspected narcotics for money. The named officers corroborated each other's account of the suspected narcotics found on the complainant, the complainant's attempt to destroy suspected narcotics, and that no drug paraphernalia was located on the complainant. The complainant admitted that she was "sharing a bit of crack" earlier with a friend, and was preparing to smoke crack when officers arrested her. There were no other witnesses. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #3-4: The officer failed to properly process property during an arrest.

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

FINDINGS OF FACT: The named officers denied the allegation, stating that they both located the suspected narcotics on the complainant in her left breast pocket as documented. The named officers both stated that the complainant dropped suspected narcotics from her hand and attempted to destroy the evidence by stepping on it. The named officers both denied locating any drug paraphernalia on the complainant. The named officers stated that the evidence is documented properly in the Incident Report.

Both officers corroborated the location and discovery of the evidence (suspected narcotics) during the arrest. The complainant admitted that she was "sharing a bit of crack" earlier with a friend, and was preparing to smoke crack when officers arrested her. There were no other witnesses. 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: 01/12/05 **DATE OF COMPLETION:** 03/24/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he should not have been detained and taken away from his residence. The officer stated the reportee, the complainant's wife, had reported that the complainant had expressed suicidal thoughts, had access to firearms, was off his medication, and was talking about killing people. CAD records confirmed the reportee's 911 call. The officer stated the complainant was detained at the scene due to the initial information that had been given to Dispatch by the complainant's wife. The officer stated that the complainant made statements to him that confirmed that he was a danger to himself and others, so the officer decided to detain the complainant for psychiatric evaluation under §5150 W&I. The evidence established that the officer's actions were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer was aggressive and spoke strangely to him. The officer stated the complainant was aggressive and was non-responsive to his questions. The officer stated the complainant was treated with respect. There were no witnesses to the alleged conduct. There is insufficient evidence to prove or disprove the allegation

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DATE OF COMPLAINT: 01/12/06 **DATE OF COMPLETION:** 03/14/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: 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.

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

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

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/06 **DATE OF COMPLETION:** 03/24/06 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officers made inappropriate comments and exhibited intimidating behavior.

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

FINDINGS OF FACT: The complainant stated the officers interrogated him as though he was the criminal and they bore a cynical, dismissive attitude towards him. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he told the officers, upon their arrival, which direction the vandalism suspect had recently taken, but the officers failed to pursue the suspect. The officers denied the allegation, stating they had searched for the suspect prior to their arrival, given the physical description reported to the Emergency Communications Division (ECD). Further, there were two other police units who also searched unsuccessfully for the suspect, as was corroborated by ECD records. Thus, there was a preponderance of evidence that the officers took the required action to locate the vandalism suspect.

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DATE OF COMPLAINT: 01/13/06 **DATE OF COMPLETION:** 03/24/06 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5-6: The officers failed to write a report.

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

FINDINGS OF FACT: The complainant stated the officers acted as if they did not want to investigate the reported vandalism or prepare a report. The officers denied the allegation, stating they asked the complainant more than a dozen times if he wanted a report written but the complainant refused. The OCC investigation determined that the complainant did decline an Incident Report be prepared and there is no indication of his willingness or cooperation to provide sufficient information for an adequate or proper report to be made. As such, the officers were justified, lawful and acted properly in not documenting this incident in a report.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/20/06 **DATE OF COMPLETION:** 03/16/06 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/25/05 **DATE OF COMPLETION:** 03/30/06 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-2: The officer detained the complainant and her boyfriend without justification.

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

FINDINGS OF FACT: The complainant acknowledged that she and her boyfriend refused to leave when the store manager and the officers told them to leave the premises. Under these circumstances, the officers had reasonable suspicion to detain the complainant and her boyfriend. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The named officer stated that he handcuffed the complainant for officer safety. According to this officer, the complainant was agitated and did not comply with his commands. The officer's partner supported this statement. The complainant's boyfriend did not see when or how she was handcuffed. The store manager did not recall this part of the incident. Another witness refused to provide his statement to the OCC. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/25/05 **DATE OF COMPLETION:** 03/30/06 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #4-5: The officers exhibited inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The officers involved in this police contact denied the allegation. The statements from the complainant's boyfriend and the store manager were inconclusive and contradictory. One other witness to the occurrence refused to provide a statement to the OCC. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation. His partner stated that he did not see the alleged use of force. The statements from the complainant's boyfriend and the store manager were inconclusive and contradictory. One more witness to the occurrence refused to provide a statement in connection with the incident. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The named officer denied the allegation. His partner stated that he did not hear any profanity being used at the scene. The statements from the complainant's boyfriend and the store manager in regards to this aspect of the incident were inconclusive and contradictory. One more witness to the occurrence refused to provide a statement to the OCC. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The named officer admitted searching the complainant for possible weapons but denied conducting the search in the manner alleged by the complainant. The officer's partner supported this statement. The complainant's boyfriend did not see the alleged search and the store manager did not recall this aspect of the incident. One more witness refused the OCC's request for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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OCC ADDED ALLEGATION:

SUMMARY OF ALLEGATIONS #1-2: The officers failed to issue Certificate of Release.

CATEGORY OF CONDUCT: ND

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The officers stated that they gave a Certificate of Release only to the complainant because she was detained and handcuffed during this contact, whereas her boyfriend was not handcuffed and/or detained. The officers could not provide any explanation why the purportedly issued Certificate of Release was not properly filed with the Department Records Unit. The statements from the complainant's boyfriend and the store manager who witnessed this incident were inconclusive and contradictory regarding several aspects of this police contact. One witness declined the OCC's request for an interview. The available evidence was insufficient to determine whether the officers, in fact, wrote a Certificate of Release to the complainant and whether, because of specifics of this contact, they had a mandatory duty to issue a Certificate of Release to the complainant's boyfriend as well.

SUMMARY OF ALLEGATIONS #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/30/06 **DATE OF COMPLETION:**03/15/06 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant alleged that the officer made sarcastic remarks, which the complainant found to be humiliating. The officer denied the allegation. There is insufficient evidence or witness account(s) to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to investigate two individuals for the threats they made against the complainant for their public intoxication. The officer denied the allegation, stating he spoke to the parties and did not hear any threats made or determine the individuals to be in violation of California Penal Code §647(f). The evidence proves the officer properly investigated this incident in a lawful and justified manner.

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to cite and/or arrest two individuals who were drinking in public and were publicly intoxicated. The officer denied the allegation, stating the individuals were not drinking in public and were not publicly intoxicated. There is insufficient evidence or witness account(s) to prove or disprove the sobriety level of the individuals in question.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/02/06 **DATE OF COMPLETION:** 03/31/06 **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 complainant stated that the named officer arrested him without cause. The named officer denied the allegation, stating that he had arrested the complainant after receiving reports from a victim and several witnesses that the complainant had vandalized a car. One of the civilian witnesses at the scene confirmed that he saw the crime occur and that he told the named officer about it. The evidence proved that the act, which provided the basis for the allegation, occurred, however, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer failed to answer reasonable questions.

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

FINDINGS OF FACT: The complainant stated that the named officer refused to tell him why he was being arrested. There were no witnesses who heard the officer's conversation with the complainant. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/06/06 **DATE OF COMPLETION:** 03/31/06 **PAGE** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that her daughter was in her car seat with the seat belt fastened. The Officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer threatened the complainant

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

FINDINGS OF FACT: The complainant stated that the officer told her she would have to come to the police station if she refused to sign the citation. The officer stated that she told the complainant that if the complainant did not sign the citation, the officer would call her Sergeant and take the complainant to the station pursuant to Department Policy. Department General Order 5.06, section D, 1 –4, states in relevant part that if complainant refuses to sign a citation the complainant can be taken to the station and be booked by a superior officer. The evidence proved that the act which provided the basis for the allegation occurred; however, such act was justified, lawful and proper.

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DATE OF COMPLAINT: 02/09/06 **DATE OF COMPLETION:** 03/16/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer used inappropriate conduct.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/09/06 **DATE OF COMPLETION:** 03/31/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he parked his bicycle with the tire over the curb and the officer moved the bike without the complainants, permission. The officer stated that he moved the bicycle because it was partially hanging over the curb and blocking where the officer wanted to park his patrol vehicle to attend to a call. The evidence proved that the act that provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/14/06 **DATE OF COMPLETION:** 03/14/06 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was walking down the street when he was grabbed and detained by several plainclothes officers. The complainant could not describe these officers. The complainant failed to sign a medical release that might have allowed Office of Citizen Complaints to document the complainant's arrest and to identify the involved officers. The Office of Citizen Complaints could not find any record of the complainant's detention or arrest in Department records. There is insufficient evidence to identify the officers involved, or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was walking down the street when he was grabbed by several plainclothes officers who choked him until he was unconscious and punched and kicked him. The complainant could not describe these officers. The complainant failed to sign a medical release that would have allowed Office of Citizen Complaints to document the complainant's arrest and injuries, and failed to respond to requests to photograph his injuries. The Office of Citizen Complaints could not find any record of the complainant's detention or arrest in Department records. There is insufficient evidence to identify the officers involved, or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was walking down the street when he was grabbed and detained by several plainclothes officers, one of who made a racially derogatory comment. The complainant could not describe these officers. The complainant failed to sign a medical release that might have allowed Office of Citizen Complaints to document the complainant's arrest and to identify the involved officers. The Office of Citizen Complaints could not find any record of the complainant's detention or arrest in Department records. There is insufficient evidence to identify the officer involved, or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/15/06 **DATE OF COMPLETION:** 03/16/06 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer told a tow truck driver to forcibly open the door of the complainant's trailer

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

FINDINGS OF FACT: The complainant stated that when the trailer in which he was living was towed, the tow truck driver forced open the door of the trailer, damaging the lock. When the complainant went outside, he saw the named officer across the street, and assumed that she had instructed the tow truck driver to force open the complainant's door. The tow truck driver stated that he knocked on the door of the complainant's trailer to ask him to remove a bicycle from the front of the trailer so he could tow it. The tow truck driver stated that the complainant opened the door. The tow truck driver denied forcing open the door, and said that the police officer did not give him any instructions, other than indicating which vehicle was to be towed. The evidence proved that the named officer did not tell the tow truck driver to forcibly open the door of the complainant's trailer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/22/05 **DATE OF COMPLETION:** 03/02/06 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant acknowledged that she was in possession of the drugs that the officers arrested her for possessing. She stated that she was using them, not selling them. The named officers denied the allegations, stating that one of the officers found the drugs in the complainant's clothing. Two witnesses said they saw the officer find the drugs in the complainant's clothing. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #3: The officer conducted a search without justification.

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

FINDINGS OF FACT: The complainant stated that the named officer searched her jacket because he was told it contained drugs. The complainant further stated that the officer did not search the jacket when she was present. The named officer denied the allegation, stating that he searched the complainant's jacket for officer safety, while the complainant was within arm's reach, after being told by reporting parties that the complainant had brandished a weapon. Two witnesses stated that the officer was told the complainant had a razor or knife. A witness stated that the officer searched the jacket and found what appeared to be drugs. Two witness officers said they did not see the search. The witnesses who reportedly told the officer what was in the jacket did not respond to requests for interviews. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/22/05 **DATE OF COMPLETION:** 03/02/06 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that she requested a citizen's arrest of two people for assault. The named officer stated the complainant did not request a citizen's arrest. Three witness officers said that they did not hear the complainant ask for a citizen's arrest. Two other witnesses stated that they were present when the complainant clearly asked the named officer to arrest the complainant's assailants. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #5: The officer failed to accept a citizen's arrest.

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

FINDINGS OF FACT: The complainant stated that one officer was present when she requested a citizen's arrest. The named officer stated that he was near the complainant and the officer who was investigating the incident but that he did not hear the complainant request a citizen's arrest. A witness officer said that the named officer put the complainant in a patrol vehicle but said the complainant did not ask for a citizen's arrest. Two other witnesses said there was one officer present when the complainant asked for a citizen's arrest. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/22/05 **DATE OF COMPLETION:** 03/02/06 **PAGE #3 of 4**

SUMMARY OF ALLEGATION #6: The officer failed to properly investigate a criminal complaint.

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

FINDINGS OF FACT: The complainant stated that she alleged to the named officer she was the victim of a crime, and that a witness corroborated her allegation. The complainant further stated that two witnesses saw the crime and told the named officer of their observations. The named officer denied speaking to the complainant at the scene of her arrest, and said the two witnesses declined to cooperate with them when he asked them about their observations. Three witness officers said they did not observe the investigation by the named officer. Two witnesses stated that they observed the crime alleged by the complainant, and stated that they told the named officer about their observations. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #7: The officer failed to properly investigate a criminal complaint.

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

FINDINGS OF FACT: The complainant stated that one officer conducted the investigation into her allegations and the actions that led to her arrest. The named officer stated that he was not the officer investigating the incident, and was not aware of the evidence presented to the investigating officer. Three witness officers stated that the officer investigating the crime was not the named officer. The investigation did not establish where the named officer was during the investigation. The named officer stated that he was near the complainant during the incident but only found out about the evidence later when told by the investigating officer. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/22/05 **DATE OF COMPLETION:** 03/02/06 **PAGE#** 4 of 4

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer wrote an incomplete Incident Report.

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

FINDINGS OF FACT: The complainant stated there were two witnesses to an assault. The complainant said one of those witnesses told the named officer that she had seen the assault. The incident report filed by the named officer did not mention either witness named by the complainant. The named officer stated that the witnesses referred to by the complainant refused to cooperate. He stated, however, that he spoke to them and one of them spoke back. The named officer said he did not refer to the witnesses in the Incident Report because he did not interview them. Two witnesses stated that they were interviewed by the named officer and that they corroborated the complainant's account of the assault. Those two witnesses stated that they provided that information readily to the named officer. One witness officer said he did not know which people the named officer spoke to. Two witness officers did not recall any details of the named officer's investigation. A preponderance of the evidence proved that the conduct complained of did occur and that, using as a standard the applicable regulations of the department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/23/05 **DATE OF COMPLETION:** 03/31/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he ran from the officers and the officer tackled him to the ground, causing injury. The officer stated the complainant, wanted on a felony warrant, ran from the officers, so he caught him and they fell to the ground. The complainant's injuries are documented. There were no witnesses. There is insufficient evidence to establish the level of force necessary to arrest the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/06 **DATE OF COMPLETION:** 03/16/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant chose to withdraw her complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/23/06 **DATE OF COMPLETION:** 03/31/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate remarks with regard to her alleged lack of indigent status. The officer denied the allegation. The incident occurred when the complainant sought a reduction in her towing fees following the recovery of her stolen vehicle. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/01/05 **DATE OF COMPLETION:** 03/31/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer did not thoroughly investigate this incident. The officer insisted that he took all investigative steps reasonably possible under the circumstances. The Department records showed that the officer indeed made the necessary inquiries regarding the subject and documented the incident in the police report. Given the circumstances of this incident, the investigative steps taken by the named member were sufficient and reasonable.

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

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

FINDINGS OF FACT: The complainant stated that the officer “openly doubted” her story, was “dismissive” and “condescending” towards her during their interaction. The named member stated that the complainant “took issue” with his investigative questioning but denied acting inappropriately during his contact with the complainant. A statement from the complainant’s friend, while supporting some of the complainant’s assertions, could not provide sufficient cross-corroboration to reach a definitive resolution of the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/23/06 **DATE OF COMPLETION:** 03/16//06 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department
Internal Affairs Unit
25 Van Ness #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/06 **DATE OF COMPLETION:** 03/31/06 **PAGE#** 1 **of** 1

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

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

FINDINGS OF FACT: The commanding officer of the District in which the incident took place polled officers on two watches and was unable to locate an officer who was present during this incident. There was no other documentation of the incident, and there were no witnesses. There is insufficient evidence to identify the officer involved or to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/06 **DATE OF COMPLETION:** 03/30/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The Complainant admitted on his 293 form that he momentarily stopped in a red zone. The officer issued a citation for SFIA 1.4.6(A) Red Zone. The evidence proved that the act which provided the basis for allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer acted inappropriately .

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/02/05 **DATE OF COMPLETION:** 03/17/06 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officers denied the allegation. The witness provided by the complainant did not corroborate the facts stated by the complainant, and instead corroborated the officers' version of the facts in part. The complainant did not provide locator information for all witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers denied the allegation. The witness did not corroborate the allegation. The complainant did not provide locator information for all witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/02/05 **DATE OF COMPLETION:** 03/17/06 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #5-#6: The officers allegedly handcuffed the complainant without justification.

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

FINDINGS OF FACT: There was insufficient evidence to prove or disprove that the arrest was unlawful. Therefore, there is insufficient evidence to prove or disprove that the officers handcuffed the complainant without justification.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/01/06 **DATE OF COMPLETION:** 03/31/06 1 of 1

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

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

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

Bart Police Department
Bay Area Rapid Transit (BART).
800 Madison Street
Oakland, CA 94807

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/05 **DATE OF COMPLETION:** 03/31/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer applied tight handcuffs.

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

FINDINGS OF FACT: The investigation was unable to identify the officer who committed the alleged act. Numerous officers on the scene either did not recall or denied handcuffing the complainant. There is insufficient evidence to identify the officer and to reach a definitive finding.

SUMMARY OF ALLEGATION #2: The officers failed to loosen the handcuffs.

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

FINDINGS OF FACT: The investigation was unable to identify the officer who committed the alleged act. Numerous officers on the scene either did not recall or denied the allegation. There is insufficient evidence to identify the officer and to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/20/03 **DATE OF COMPLETION:** 03/31/06 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainants stated that the officers' use of deadly force was unwarranted and excessive. The officers stated that they were in plainclothes in an unmarked police vehicle when they observed a man driving a vehicle in a reckless manner, so they followed and called for a marked patrol unit. As they followed the vehicle, the officers observed the driver engage in increasingly reckless behavior, traveling at a high rate of speed, crossing into oncoming traffic, running stop lights, driving on the sidewalk, and striking a parked vehicle. The officers activated their lights and siren and continued to follow the subject vehicle. The officers observed that the subject vehicle's path was obstructed by stopped traffic and had collided with another vehicle in an apparent attempt to continue forward. The officers stated they pulled up and stopped in a traffic lane behind and to the left of the subject vehicle. Two of the officers exited the police vehicle and moved toward the front of the subject vehicle. A third officer exited the police vehicle and stood behind the open front passenger door of the police vehicle. Two of the officers shouted commands to the driver to show his hands and to get out of his vehicle. The officers stated that the subject vehicle began to move at a high speed in reverse, striking the open front passenger door of the police vehicle and pinning the officer standing there. The pinned officer shouted in pain. The two officers in front of the subject vehicle fired their service weapons at the driver of the subject vehicle. Several of their bullets struck the driver. The driver died at the scene. A witness who was in the deceased's vehicle stated that the deceased driver ignored the officers' orders to stop the vehicle and attempted to run over the officers. A witness who was a passenger in the police vehicle stated that the deceased driver backed into the police vehicle, pinning an officer behind the door. Four witnesses at the scene stated that the deceased driver ignored the officers' commands and backed his vehicle into the police vehicle. The SFPD's collision reconstruction expert examined the involved vehicles and stated that the only explanation for the damage to the respective vehicles was that the deceased's vehicle struck the police vehicle's open door while moving in reverse. The officer who was pinned by the door had documented injuries consistent with the officers' description of the collision. The officer's use of deadly force was justified by the imminent threat to the life of the pinned officer and other persons caused by the deceased's actions.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/20/03 **DATE OF COMPLETION:** 03/31/06 **PAGE#** 2 of 2

OCC-ADDED ALLEGATION

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to follow Department pursuit policy.

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

FINDINGS OF FACT: Initial evidence suggested that the officer engaged in a pursuit in an unmarked vehicle and that he “rammed,” “headed off” or “boxed in” the suspect vehicle within the meaning of DGO 5.05. IV.M.1. The officers all denied that their vehicle struck or “rammed” the deceased’s vehicle; rather, they stopped their vehicle behind and to the left of the deceased’s vehicle, and the deceased’s vehicle backed into their vehicle. The witness who was in the police vehicle stated the police vehicle stopped “about ten feet” behind the deceased’s vehicle. Four witnesses at the scene stated the deceased’s vehicle backed up and collided with the police vehicle. The SFPD’s collision reconstruction expert examined the involved vehicles and stated that the only explanation for the damage to the respective vehicles was that the deceased’s vehicle struck the police vehicle’s open door while moving in reverse. There is nothing in the evidence to indicate that the Honda was still moving when the police vehicle pulled up behind/alongside it. The CAD tape shows the officers did call for a marked vehicle while pursuing the deceased’s vehicle. The evidence established that the officer followed Department pursuit policy.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/03/06 **DATE OF COMPLETION:** 03/31/06 **PAGE#** 1 of 1

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

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

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

Internal Affairs
San Francisco Sheriff's Department

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/06 **DATE OF COMPLETION:** 03/31/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer was rude.

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

FINDINGS OF FACT: The investigation was unable to identify the officer.

SUMMARY OF ALLEGATION #2: The officer failed to provide required information.

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

FINDINGS OF FACT: The investigation was unable to identify the officer.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/06 **DATE OF COMPLETION:** 03/16/06 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant requested the withdrawal of his complaint from Office of Citizen Complaints investigation.

SUMMARY OF ALLEGATION #2: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant requested the withdrawal of his complaint from Office of Citizen Complaints investigation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/06 **DATE OF COMPLETION:** 03/16/06 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer seized the complainant's personal property without cause.

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

FINDINGS OF FACT: The complainant requested the withdrawal of his complaint from Office of Citizen Complaints investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/06 **DATE OF COMPLETION:** 03/16/06 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer(s) exhibited racially derogatory behavior.

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

FINDINGS OF FACT: The complainant requested the withdrawal of his complaint from Office of Citizen Complaints investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/06 **DATE OF COMPLETION:** 03/16/06 **PAGE# 1 of 1**

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. This complaint has been referred to: Sacramento County Sheriff's Department
c/o Internal Affairs Unit
711 G Street
Sacramento, CA 95814

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/06 **DATE OF COMPLETION:** 03/31/06 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: This complaint raises matters not within OCC's jurisdiction. It was referred for further investigation to:

Acting Regional Director
Federal Protective Services
450 Golden Gate Avenue, Room 574
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

REVISED 04/20/00

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/05 **DATE OF COMPLETION:** 03/24/06 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1, 2: The officers made an invalid order.

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

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

SUMMARY OF ALLEGATIONS #3, 4: The officers detained the complainant without justification.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/05 **DATE OF COMPLETION:** 03/24/06 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #5: The officer handcuffed the complainant without justification.

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

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

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

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

FINDINGS OF FACT: The named and one witness officer denied the allegation, stating that the named officer thought the complainant may have a weapon. There were no witnesses. There is insufficient evidence to either prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/15/05 **DATE OF COMPLETION:** 03/24/06 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #7: The officer used unnecessary force.

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

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

SUMMARY OF ALLEGATIONS #8, 9: The officers harassed the complainant.

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/15/05 **DATE OF COMPLETION:** 03/24/06 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #10, 11: The officers failed to issue a Certificate of Release.

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

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

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/06 **DATE OF COMPLETION:** 03/31//06 **PAGE# 1 of 1**

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

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

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

San Francisco Sheriff's Department
Internal Affairs Unit
25 Van Ness #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/05 **DATE OF COMPLETION:** 03/15/06 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was pushed against a wall and treated roughly. The officers stated they did not use any excessive force upon the complainant. The officers stated they held the complainant, because he was trying to leave the scene. The witness stated he saw no use of force upon the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant stated the officers placed tight handcuffs upon him and tightened them further when he complained. The officers stated the handcuffs were not tight. The witness did not say how tight the handcuffs were on the complainant. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/05 **DATE OF COMPLETION:**03/15/06 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #5-6: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he was calm and in no danger to himself and others. The complainant stated he should not have been detained. The officers stated they responded to assist by the Mobile Crisis Unit. The witnesses stated the complainant was a danger to himself and others. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #7: The officer entered the residence without justification.

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

FINDINGS OF FACT: The complainant stated he did not give permission to the officer to enter his residence. The officer stated the complainant asked her to get his keys to lock the residence. The witness stated the officer went to get the complainant's keys as requested by the complainant in order to secure the complainant's residence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/05 **DATE OF COMPLETION:** 03/15/06 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #8-9: The officers questioned the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officers had no reason to make contact and to question him as he did not do anything wrong. The officers stated the Mobile Crisis Unit determined the complainant required a Mental Health evaluation by San Francisco General Hospital. The officers stated they were dispatched to assist and standby for the Mobile Crisis Unit, because the complainant refused to cooperate. The witness stated he reported to the Mobile Crisis Unit his concern for the complainant's safety to himself and others. The Mobile Crisis Unit investigated and determined the complainant's need for a psychiatry evaluation and requested San Francisco Police Department to assist with detaining and transporting the complainant accordingly. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officers did not allow him to change from his pajamas to his other clothes. The officers stated the complainant did not request a change of clothes except to get his wallet, keys, and shoes. The witness stated he recalled the officers getting the complainant's house keys as requested and making sure the residence was locked up. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/06 **DATE OF COMPLETION:** 03/31/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant provided a copy of Court Order 2255723 signed by a judge of the San Francisco Superior Court on 2/22/06. The Court Order allowed SFPD to accompany the complainant to retrieve his belongings from the complainant's residence. The evidence proved that the act which provided the basis for allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/06 **DATE OF COMPLETION:** 03/31/06 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer displayed inappropriate behavior

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/05 **DATE OF COMPLETION:** 03/23/06 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1-3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The initial officer witnessed the complainant in a suspected drug transaction. The two arresting officers carried out the arrest based on the other officer's instructions. The complainant denied selling drugs. There were no identified witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer improperly searched the complainant.

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

FINDINGS OF FACT: The officer did not recall the incident but summarily denied ever having conducted herself in the manner alleged by the complainant. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/05 **DATE OF COMPLETION:** 03/23/06 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #5: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: Of the officers involved in the incident all denied hearing or making the alleged comments or acting in the alleged manner. There were no other witnesses. There is insufficient evidence to identify the officer or officers involved in the alleged conduct and therefore insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to care for a prisoner's safety.

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

FINDINGS OF FACT: Of the officers involved in the incident all denied acting in the alleged manner or could not recall the incident. There were no other witnesses. There is insufficient evidence to identify the officer or officers involved in the alleged conduct.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/05 **DATE OF COMPLETION:** 03/23/06 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7: The officer improperly processed the complainant's property.

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

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

SUMMARY OF ALLEGATION #8: The officer filed false charges against the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The Narcotics Analysis Report verified the amount of narcotics recovered from the complainant was sufficient to support the charges for which the complainant was charged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/27/06 **DATE OF COMPLETION:** 03/30/06 **PAGE# 1 of 1**

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. This complaint has been referred to:

San Francisco Sheriff's Department
Internal Affairs Unit
25 Van Ness #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/05 **DATE OF COMPLETION:** 03/31/06 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer made a sexually derogatory remark.

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

FINDINGS OF FACT: The officer denied the allegation. A witness officer denied hearing the officer make the alleged comment. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. A witness officer denied hearing the officer use profanity. 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 arrested the complainant without cause.

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

FINDINGS OF FACT: There is sufficient evidence to prove that an illegal transaction took place between the undercover officer and the complainant which was the basis for the arrest.

SUMMARY OF ALLEGATION #4: The officer made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The officer denied making the comments or acting in the alleged manner. A witness officer denied hearing the alleged comments and the other alleged comments were made during telephone conversations where there were no witnesses. There is insufficient evidence to 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:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The evidence shows that the property in question was properly documented as having been obtained and booked for identification.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the named officer handed him documents including a restraining order issued by a third party, and told him he “should have accepted these.” The named officer denied the allegation. There was no witness. There is insufficient evidence to either prove or disprove the allegation.

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 denied the allegation, stating that he detained the complainant for further investigation after he was told the complainant was the subject of a warrant. Department records indicate that a dispatcher told the named officer there was a no-bail warrant naming the complainant. There is 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 named officer denied the allegation, stating that he handcuffed the complainant for officer safety. There was no witness to the interaction between the complainant and the officer. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer transported the complainant without justification.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he transported the complainant for further investigation of a report of a warrant in the complainant's name. The officer wrote in an incident report that he was told by dispatch there was a felony warrant pending, and that he released the complainant after determining that the complainant was not the person named in the warrant. Department records indicate that the officer was told there was a no-bail warrant in the name of the complainant. Department regulations state that the officer was required to confirm the existence of a warrant, and the identity of the complainant before taking the complainant into custody. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer entered the complainant's room without permission.

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

FINDINGS OF FACT: The complainant stated that the officer entered his room twice without his permission and without a warrant. The witness stated that the officer knocked on the complainant's door and announced herself as the San Francisco Police and asked the complainant to open the door. The witness further stated that the complainant opened the door both times and admitted the police officer and did not object to her entry. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The complainant alleged the officer illegally ordered him to immediately vacate the hotel room where he lodged. The witness confirmed that the complainant was no longer welcome in the hotel and was in fact asked to vacate by the hotel management, due to his alleged threat to impair property owned by the hotel. The witness stated that the police officer did not order the complainant to immediately vacate the premises. The witness stated the officer told the complainant approximately one hour prior to check out time that he had about one hour to pack his belongings and to download his data from a hotel computer. The Office of Citizen Complaints confirmed that the complainant had paid for his room through check out time on the date of the incident, which was noon. The complainant left the hotel after the noon hour. The complainant had alleged that he was not allowed to take his clothing and other personal belongings with him. In fact, the hotel packed the complainant's remaining belongings, held them and the complainant returned and retrieved them on the same date. The officer denied the allegation, stating that she conferred with the complainant during her first visit to the complainant's room and she and the complainant agreed that one hour to pack up would be a reasonable time. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #3: The officer made threatening remarks to the complainant.

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

FINDINGS OF FACT: The complainant was a guest in a hotel. His stated that the officer wrongfully threatened to arrest him for trespassing. The witness did not recall the officer making such a statement. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The complainant alleged that the officer improperly “grabbed” him. The witness refuted the complainant’s account, stating that the complainant was so intoxicated that he doubted his abilities at remaining ambulatory. The witness stated that the officer took the complainant’s arm and walked him out of the room. The witness did not hear the complainant complain of pain. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to take required action, to write an Incident Report.

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

FINDINGS OF FACT: The officer denied the allegation, stating no crime had been committed. The Office of Citizen Complaints found evidence that while the complainant expressed an intent to commit a crime to several witnesses, to wit, keep the hotel's laptop computer, a crime had not been committed.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The Office of Citizen Complaints contacted and spoke with both witnesses. One refused to go on the record. The Office of Citizen Complaints sought to follow up after he was released, but was unable to locate him. The other witness stated he saw a “punching motion” while he was inside the county jail facility and the complainant was outside the jail facility. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATIONS #2-4: The officers made inappropriate remarks and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that the officers laughed at him, making inappropriate remarks. The Office of Citizen Complaints contacted and spoke with both witnesses. The officers denied the allegation. The Office of Citizen Complaints spoke to both witnesses. One did not recall such comments. The other witness refused to go on the record. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATIONS #5-7: The officers failed to loosen tight handcuffs when requested.

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

FINDINGS OF FACT: The complainant stated that the officers failed to loosen his handcuffs. The officers denied the allegation. The Office of Citizen Complaints spoke to both witnesses. One witness did not discuss this aspect of the incident. The other witness refused to go on the record. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #8: The officer threatened the prisoners.

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

FINDINGS OF FACT: The complainant alleged that the named officer told other prisoners who witnessed his alleged misconduct that they should not report him. The Office of Citizen Complaints spoke to both witnesses. One witness did not discuss this aspect of the incident. The other witness refused to go on the record. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #9: The named officer falsely charged the complainant with battery on a police officer.

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

FINDINGS OF FACT: The complainant stated that the officer initiated an assault against him during his transfer from a San Francisco Police station facility to a San Francisco County Jail facility and the battery charge was retaliatory. The officer stated that the complainant initiated the assault on his person. The Office of Citizen Complaints spoke to both witnesses. One witness did not discuss this aspect of the incident. The other witness refused to go on the record. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he and his girlfriend got into a physical confrontation with other patrons at a club while dancing. After they left the club, several men attacked and stabbed the complainant. The assailants ran back inside the club when numerous police officers arrived. Two officers approached the complainant, asked for his identification and asked him what happened. The complainant told them that he had just been attacked. The officers handcuffed the complainant. The co-complainant stated that the assailants also attacked her, and that she may have lost consciousness.

Department records show that officers responded to a report of a large fight outside a club. When they arrived, they saw over ten individuals involved in a fight, and saw the complainant throwing punches. Officers' orders to participants to stop fighting were ignored. When the named officer attempted to grab the complainant, the complainant pushed him away, and the co-complainant also pushed the officer away. The fight dispersed and some of the participants fled. Officers detained the complainant, who was uncooperative.

Department records also show that three witnesses told responding officers that the complainant assaulted a woman who got into an altercation with his girlfriend.

A witness stated that he saw the complainant fighting with several Mexican males. When officers arrived, participants in the fight resisted them, and the Mexican males fled as well.

The named officer stated that the complainant was handcuffed because he refused to stop fighting and pushed the officer when he attempted to stop the fight. Witness officers confirmed that the complainant resisted the named officer when the officer attempted to break up the fight. The named and witness officers stated that the complainant never claimed to have been stabbed. Witness officers stated that they summoned an ambulance, but that the complainant refused treatment. Ambulance records confirm that the complainant refused to be examined by paramedics. The evidence established that the action complained of was proper.

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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 and his partner stated that the complainant was handcuffed because he refused to stop fighting and pushed the named officer when he attempted to stop the fight. Witness officers confirmed that the complainant resisted the named officer when he attempted to break up the fight. A witness stated that he saw the complainant fighting with several Mexican males, and when officers arrived, participants in the fight resisted them. The complainant was handcuffed pursuant to a lawful detention. The evidence established that the action complained of was proper.

SUMMARY OF ALLEGATION #3 - 4: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that officers who responded to the scene showed no concern that the complainant had been stabbed, and they did nothing to investigate. The complainant stated that several men attacked and stabbed him. The complainant stated that two officers approached him, asked for his identification and asked him what happened. The complainant told them that he had just been attacked, and the officers handcuffed him. The complainant told the officers that his assailants fled into the club, but officers failed to enter the club seeking the assailants, and officers failed to question the complainant about his assailants. The co-complainant stated that officers failed to seek the men who had attacked her and her boyfriend. Department records state that when officers arrived, they saw over ten individuals involved in a fight. The fight dispersed and some of the participants fled. Officers detained the complainant, who was uncooperative. The named officer and witness officers denied that either the complainant or his girlfriend claimed that he'd been stabbed, and stated that they summoned an ambulance for the complainant, but that he refused treatment. Ambulance records confirm that the complainant refused to be examined by paramedics. Department records show that the complainant was released and left in a taxicab, but that the taxi driver flagged down police a few blocks away because the complainant was short of breath and bleeding. The named officer stated that, at that point, the officers summoned an ambulance, which took the complainant to SFGH. Two officers went to SFGH to follow up. Department records indicate the complainant was unaware that he had been stabbed until he had left the scene, and that he could not describe his assailants. The named officer stated that he and other officers who responded as backup did attempt to investigate, but that the complainant was uncooperative. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The co-complainant stated that one of the officers made an inappropriate comment to her. The officers who responded to this incident denied that any officer made the inappropriate comment to the co-complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer detained the co-complainant without justification.

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

FINDINGS OF FACT: The co-complainant stated that when police officers arrived, she became upset when she saw her boyfriend in handcuffs. An unknown officer told the co-complainant to shut up, and when she refused, this officer handcuffed her. The officer who wrote the Incident Report stated that multiple officers responded to this incident, and that an unknown officer detained and handcuffed the co-complainant, who was intoxicated and who had pushed him away as he attempted to stop the fight. This officer's partner confirmed his account. Other officers who responded stated that they did not know who detained the co-complainant. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The co-complainant stated that she and her boyfriend got into a physical confrontation with other patrons at a club. Police officers arrived and attempted to calm down the co-complainant, who became upset when she saw her boyfriend in handcuffs. An unknown officer told the co-complainant to shut up, and when she refused, this officer handcuffed her. The officer who wrote the incident report stated that multiple officers responded to this incident, and that another, unknown officer detained and handcuffed the co-complainant. This officer stated that the co-complainant was intoxicated and had pushed him away as he attempted to stop the fight. This officer's partner confirmed his account. Other officers who responded stated that they did not know who handcuffed the co-complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-4: The officers conducted a racially motivated detention.

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

FINDINGS OF FACT: The complainant stated that he was detained because of his race. The officers stated that they detained the complainant because he was identified as having used a knife in an altercation with an employee of a video business. The complainant admitted having used the knife to detain the employee, whom he accused of robbing him. The employee signed a Citizen's Arrest form. The investigation established that there was reasonable suspicion to detain the complainant.

SUMMARY OF ALLEGATIONS #5-7: The officers failed to investigate.

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

FINDINGS OF FACT: The complainant stated that he is unable to speak, and that the officers did not give him an opportunity to communicate his complaint that the employee had robbed him. Due to the complainant's disability, the officers did not obtain a statement from him at the scene. There is insufficient evidence to prove misconduct; however the circumstances demonstrate a failure of Department policy and procedure to provide adequate means for officers to obtain statements from persons who are unable to speak. Therefore a policy recommendation on this issue should be pursued.

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SUMMARY OF ALLEGATION #8: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant did not provide sufficient information to identify which officer handcuffed him. Subsequent attempts to reach the complainant were unsuccessful. Evidence documents that handcuffing the complainant during the investigation of this incident was not unreasonable due to the reported brandishing of a knife.

SUMMARY OF ALLEGATIONS #9-10: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The officers admitted to searching the complainant. The investigation established that searching the complainant was not unreasonable due to the reported brandishing of a knife.

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SUMMARY OF ALLEGATION #11: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant was arrested pursuant to a Citizen's Arrest. The complainant admitted to using a knife in an altercation. There was probable cause to arrest the complainant.

OCC ADDED ALLEGATION

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

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

FINDINGS OF FACT: Due to the complainant's disability, the officers did not obtain a statement from him at the scene. There is insufficient evidence to prove misconduct; however the circumstances demonstrate a failure of Department policy and procedure to provide adequate means for officers to obtain statements from persons who are unable to speak. Therefore a policy recommendation on this issue should be pursued.

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

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

FINDINGS OF FACT: The officers at the scene denied the allegation. A potential witness did not respond to the OCC's requests for an interview. There is insufficient evidence to either identify an officer who committed the alleged act or to prove or disprove that the alleged act occurred.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied detaining or searching the complainant. Two other officers on scene confirmed that another officer detained and pat searched the complainant. Office of Citizen Complaints attempts to interview several witnesses on scene were unsuccessful. There is conflicting evidence about the identity of the detaining and searching officer to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied handcuffing the complainant. Two other officers on scene confirmed that another officer handcuffed the complainant during the probationary search of the driver and his vehicle. Office of Citizen Complaints attempts to interview several witnesses on scene were unsuccessful. There is conflicting evidence about the identity of the handcuffing officer to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3: The officer searched a vehicle without cause.

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

FINDINGS OF FACT: The officer denied searching the vehicle. Two other officers on scene confirmed the denial in that another officer searched the vehicle during the probationary search of the driver and his vehicle. Office of Citizen Complaints attempts to interview several witnesses on scene were unsuccessful. There is conflicting evidence about the identity of the officer who searched the vehicle to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4: The officer seized personal property without cause.

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

FINDINGS OF FACT: The complainant stated that the officer took his cellular telephone during the vehicle search. The officer and two other officers on scene denied the allegation. Office of Citizen Complaints attempts to interview numerous witnesses on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS # 5: The officer intentionally damaged personal property.

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

FINDINGS OF FACT: The officer and two other officers on scene denied any item was taken or thrown out of the vehicle. The officers stated that another officer exclusively conducted the vehicle search. Office of Citizen Complaints attempts to interview numerous witnesses on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS # 6: The officer made inappropriate, profane, threatening comments, and his behavior was inappropriate.

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

FINDINGS OF FACT: The complainant stated that the officer made remarks on scene and while en route to the police station in the presence of others. The officer and two other officers on scene and inside the car denied the allegation. Office of Citizen Complaints attempts to interview numerous witnesses on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7-8: The officer transported the complainant to a police station without justification.

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

FINDINGS OF FACT: The officers and their partners stated that the complainant was transported after the approval of a supervisor to conduct a strip search of the complainant at the station. The evidence to detain, handcuff, search or transport the complainant was based upon conflicting evidence. Office of Citizen Complaints attempts to interview numerous witnesses on scene were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer yelled a racially derogatory statement inside the police station in the presence of other officers. The officer and several other officers inside the police station denied the allegation. There were no other known witnesses who could prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #10-11:The officers strip-searched the complainant without cause.

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

FINDINGS OF FACT: The preponderance of the evidence established that the officers lacked specific and articulable facts to reasonably suspect the complainant was concealing narcotics on his person, and the strip search was therefore without cause in violation of Penal Code Section 4030(f).

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-3: The officers displayed their service weapons without justification.

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

FINDINGS OF FACT: The complainant stated when the officers entered his apartment they had their weapons drawn. The officers stated that they had their weapons drawn until the premise was secured and holstered their weapons especially because there were children present. Department Orders permit officers to draw their weapon until danger is eliminated, the weapon must then be holstered.

SUMMARY OF ALLEGATION #4-5: The officers' remarks and behavior were inappropriate.

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

FINDINGS OF FACT: The complainant stated that an inspector told him to shut up and demanded that his girlfriend provide him her car keys which was not part of the search. The complainant stated that he showed one inspector receipts for an item he took and the officer responded "so what show it to the judge." The complainant said that one inspector yelled at him and refused to provide a supervisor when he went to the Burglary Detail looking to retrieve his keys. The officers denied the allegation. The complainant did not respond to OCC request for witness contact information. One witness failed to respond to OCC request for an interview.

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SUMMARY OF ALLEGATION #6: The officer exceeded the scope of the search warrant.

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

FINDINGS OF FACT: The complainant stated the officers searched his mother's vehicle which was not included in the search warrant. The officers denied the allegation. The complainant did not respond to OCC request for witness contact information.

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

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

FINDINGS OF FACT: The officer stated he had a search warrant for the complainant's residence and the complainant was detained and not free to leave. The complainant stated he was also detained at the Burglary detail. Per Department Orders the officer had the authority to detain the complainant for further investigation.

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SUMMARY OF ALLEGATION #8: The officer handcuffed the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was handcuffed during the search of his residence and when he was brought to the Hall of Justice for questioning. The actions being complained were lawful, justified, proper and in compliance with Department Orders.

SUMMARY OF ALLEGATION #9: The officer failed to properly process the search warrant.

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

FINDINGS OF FACT: The complainant stated that all of the items that the officers seized were not listed in the return. The officer itemized everything he seized, and documented the seized items in the Incident Report. In court records he listed one bag with four assorted car stereo items that corresponded with the item listed on the Incident Report.

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

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

FINDINGS OF FACT: The complainant stated the officer did not mirandize him while at the Burglary Detail in the interview room. The officers denied the allegation. There were no other witnesses.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officer did not provide accurate reports.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATION #3: The officer harassed the complainant because of complainant's race.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

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SUMMARY OF ALLEGATION #1: The officer made profane remarks.

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

FINDINGS OF FACT: The Office of Citizen Complaints was unable to interview all of the co-complainants to verify factual information alleged in their complaints, despite outreach efforts through the Coalition on Homelessness and at a related public hearing. One of the co-complainants interviewed could not recall exactly what the named officer said to the complainant. The other co-complainant interviewed made a statement that conflicted with the complainant. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The Office of Citizen Complaints was unable to interview all of the co-complainants to verify factual information alleged in their complaints, despite outreach efforts through the Coalition on Homelessness and at a related public hearing. One of the co-complainants interviewed could not recall exactly what the named officer said to the complainant. The other co-complainant interviewed made a statement that conflicted with the complainant. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: In his complaint and Office of Citizen Complaints interview, the complainant alleged that the named officer was harassing a group of persons gathered outside his office. The complainant said he requested that the officer “not be so rude” to the group in question. The complainant stated that immediately subsequent to this request, the officer detained him. The Office of Citizen Complaints was unable to interview all of the co-complainants to verify factual information alleged in their complaints, despite outreach efforts through a non-profit agency and at a Vicious Dog hearing initiated by the officer, which the officer failed to attend. In his Office of Citizen Complaints interview, the officer proffered that the complainant requested that he wanted to talk to him several times. The officer alleged there would be a delay. The officer then recounted that a superior officer, not mentioned in the police report or in the Computer Aided Dispatch, allegedly alerted him that the complainant was standing too closely to him. When asked by the Office of Citizen Complaints why this alleged safety breach was not noted in the incident report, the officer offered no explanation. The named officer’s partner did not mention this alleged safety breach in his interview. The two co-complainants interviewed by the Office of Citizen Complaints did not mention this as the sequence of events. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #4: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: In his complaint and Office of Citizen Complaints interview, the complainant alleged that the named officer was harassing a group of persons gathered outside his office. The complainant said he requested that the officer “not be so rude” to the group in question. The complainant stated that subsequent to this request, the officer detained him. The Office of Citizen Complaints was unable to interview all of the co-complainants to verify factual information alleged in their complaints, despite outreach efforts through a non-profit agency and at a Vicious Dog Hearing, initiated by the officer, which the officer failed to attend. In his Office of Citizen Complaints interview, the officer proffered that the complainant requested that he wanted to talk to him several times. The officer alleged there would be a delay. The officer then recounted that a superior officer, not mentioned in the police report or in the Computer Aided Dispatch, allegedly alerted him that the complainant presented a threat to him. The named officer handcuffed him. When asked by the Office of Citizen Complaints why this alleged safety breach was not noted in the Incident Report, the officer offered no explanation. The named officer's partner did not mention this alleged safety breach in his interview. The two co-complainants interviewed by the Office of Citizen Complaints did not mention this as the sequence of events. There was insufficient evident to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #5: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant alleged that the officer interfered with his right to observe police contact with the persons being detained outside his place of employment. The officer denied the allegation, stating that the complainant presented a threat to him. The named officer handcuffed him. When asked by the Office of Citizen Complaints why this alleged safety breach was not noted in the incident report, the officer offered no explanation. The named officer's partner did not mention this alleged safety breach in his interview. The two co-complainants interviewed by the OCC did not mention this as the sequence of events. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #6: The officer displayed his service weapon without justification.

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

FINDINGS OF FACT: The complainant alleged that the officer drew his weapon during the incident. The Office of Citizen Complaints interviewed one of the co-complainants, who saw the officer exit his patrol vehicle. The co-complainant verified that the officer had his hand on his holster, but did not draw his service weapon. The named officer stated in his Office of Citizen Complaints interview that he attempted to draw his service weapon, but due to his position in his patrol vehicle at the time, he was unable to draw his weapon. The evidence proved that the acts alleged in this complaint did not occur.

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SUMMARY OF ALLEGATION #1: The officer entered a residence without cause.

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

FINDINGS OF FACT: The complainants stated that the named officer entered a hotel using her badge and then photographed several residents without their consent. The named officer acknowledged showing her badge on entry to the hotel but denied that she used it to gain entry. The named officer stated that she entered a resident's room and then stated that only the two people with her entered the room. A witness stated that several people were in his room, one of whom was a female officer. Another witness stated that she was with the officer but that neither of them entered the room, just videotaped from the open doorway. Legal precedent establishes that entry into the residential portion of a hotel without the permission of the residents and a visual search of a hotel resident's room constitute a search without probable cause. A preponderance of the evidence proved that the conduct complained of did occur and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainants stated that the officer used her badge to pass a desk clerk, and showed her badge and announced herself as a police officer to get residents of a hotel to take part in interviews. The complainant further stated that the named officer photographed residents without their permission, and on one occasion physically prevented a resident from closing his door. The named officer denied the allegation, stating that she was off-duty, and only identified herself as an officer to remind residents who she was. The named officer did not recall whether she showed her badge to residents and denied stopping a resident from closing his door. The named officer stated that two residents were photographed with a still camera, with their permission. Two witnesses said they heard the named officer announcing herself as an officer. Another witness reported that the named officer may have identified herself as an officer, but the witness did not recall what else the officer said. A witness reported to police dispatchers that the officer and two other people had come to her door, trying to convince her to speak with them. Another witness reported that an officer took two young women into a hotel and ran past the front desk when he asked them to stop so that he could contact a resident. Another witness stated that the officer took her into a hotel and that the witness filmed one resident from a doorway, with the resident's permission. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATIONS #1-3: The officers entered the residence without cause.

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

FINDINGS OF FACT: The OCC found that the officers were dispatched to the complainant's residence because a man called 911 from the house and said he slashed his wrists and was having a breakdown. In her OCC statement, the complainant acknowledged that her son had prior "suicidal" incidents and he may have called 911 that evening because he felt suicidal. Given the circumstances of this incident, the officers' decision to enter the house to check on well being of the complainant's son was proper.

SUMMARY OF ALLEGATIONS #4-6: The officers searched the residence without cause.

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

FINDINGS OF FACT: The OCC found that, given the nature of the dispatched call, it was reasonable and proper for the officers to search the residence and check on the well being of the complainant's son who called 911 from the house and said that he slashed his wrists and was having a breakdown.

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

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

FINDINGS OF FACT: The complainant stated that her son told her after the incident that he was handcuffed during the detention. The named member admitted detaining and questioning the complainant's son but denied handcuffing him during the occurrence. The complainant prevented the OCC from contacting and interviewing her son in connection with this incident. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated that, after the officers left the house, she noticed her laptop computer was missing. All members questioned in connection with this incident denied removing the complainant's laptop from the residence during this occurrence. The complainant prevented the OCC from contacting and interviewing her son in connection with this incident. The available evidence was insufficient to identify the officer(s) responsible for the alleged misconduct and to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that, after the officers left the house, she noticed her laptop computer was missing. However, no required paperwork was issued to the complainant or any entries made in the station property log. All members questioned in connection with this incident denied removing the complainant's laptop from the residence during this occurrence. The complainant prevented the OCC from contacting and interviewing her son in connection with this incident. The available evidence was insufficient to identify the officer(s) responsible for the alleged misconduct and to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer inappropriately questioned the complainant.

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

FINDINGS OF FACT: The complainant, who was a retired teacher, was offended when the officer asked when she was "last arrested." The named member stated that he only asked the complainant her name, age and questions relevant to her son's mental status. The complainant prevented the OCC from contacting and interviewing her son who was present at the scene of this incident. The available evidence was insufficient to prove or disprove the allegation.

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OCC ADDED ALLEGATIONS:

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

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

FINDINGS OF FACT: The officer stated that he did not write the report because he determined that the involuntary detention for psychiatric evaluation of the complainant's son was not warranted. The OCC found that there were no relevant order requiring officers to prepare Incident Reports under the circumstances similar to this incident.

SUMMARY OF ALLEGATION #2: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The named member stated that he did not issue a Certificate of Release because the complainant's son was not handcuffed and his detention was brief. The complainant, who alleged that her son was in fact handcuffed during the incident, prevented the OCC from contacting and interviewing her son in connection with the incident. The available evidence was insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer misused his police authority.

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

FINDINGS OF FACT: The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer interfered with a police investigation.

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

FINDINGS OF FACT: A witness corroborated the allegation. The named member admitted to one instance of refusing a police order. By a preponderance of the evidence the allegation against the member is sustained.

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SUMMARY OF ALLEGATION #3: The officer misrepresented the truth

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

FINDINGS OF FACT: The officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officers were in plain clothes as they exited their white, unmarked vehicle. The complainant alleged that the officers' stars were not visible, stating that he recognized one of the officers from a previous contact. The officers stated that they were in plain clothes. They denied the allegation. The witness did not see the entire police contact. The second witness did not provide a statement to the Office of Citizen Complaints. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATIONS #4-6: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officers denied the allegation. They stated their contact with the complainant was consensual. They stated they denied any recollection of the details of their contact with the complainant. The witness did not see the entire police contact. The second witness did not provide a statement to the Office of Citizen Complaints. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATIONS #7-8: The officer's pat searched the complainant without justification.

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

FINDINGS OF FACT: The officers denied the allegation. They stated their contact with the complainant was consensual. They stated they denied any recollection of the details of their contact with the complainant. The witness did not see the entire police contact. The second witness did not provide a statement to the Office of Citizen Complaints. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The officer admitted knowing and recognizing the complainant and his brother. He recalled that he had arrested the complainant in the past. The witness stated that she saw the complainant and her brother with their hands behind their backs, but was at some distance from the parties at the time of the incident. This same witness provided no officer identifying information. The second witness did not provide a statement to the Office of Citizen Complaints. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #10: The officer behaved in a threatening and intimidating manner.

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

FINDINGS OF FACT: The complainant alleged the officer made inappropriate comments and threats. The first witness did not hear the words exchanged between the complainant and the named officer. The second witness did not provide a statement to the Office of Citizen Complaints. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #11: The officer searched the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged the officer went beyond the bounds of a normal pat search, turning out the complainant's pockets and visually inspecting the complainant's inner clothing. The officer denied the allegation. The witness did not see the entire police contact. The second witness did not provide a statement to the Office of Citizen Complaints. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #12: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that the named officer told him to leave the particular location he was stopped at and to return to another location. The officer denied the allegation. The first witness did not hear the words exchanged between the complainant and the named officer. The second witness did not provide a statement to the Office of Citizen Complaints. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATIONS #13-15: The officers failed to issue Certificates of Release to the complainant and his brother.

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

FINDINGS OF FACT: The complainant stated that he and his brother were physically restrained by being placed in handcuffs. He stated that as a result of their physical confinement, he and his brother should have been issued with San Francisco Police Department form 849b, a Certificate of Release and the officers failed to issue them with this form. The officers denied the allegation. One stated the contact was consensual. Others stated they could not recall the particulars of the contact. The witness did not see the entire police contact. The second witness did not provide a statement to the Office of Citizen Complaints. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #1: The officer allegedly failed to properly investigate a traffic collision.

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

FINDINGS OF FACT: The officer denied the allegation. Neither the complainant nor witnesses came forward during the investigation to be interviewed. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer allegedly failed to take required action regarding arresting a suspect.

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

FINDINGS OF FACT: The officer denied the allegation. Neither the complainant nor witnesses came forward during the investigation to be interviewed. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers involved in this police contact stated that the complainant was detained because he matched the description of the suspect involved in a shooting incident. Despite numerous requests, the complainant failed to provide additionally requested information necessary for a thorough OCC investigation.

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

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

FINDINGS OF FACT: The officers involved in this police contact stated that the complainant was detained and handcuffed because he matched the description of the suspect involved in a shooting incident. Despite numerous requests, the complainant failed to provide additionally requested information necessary for a thorough OCC investigation.

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

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

FINDINGS OF FACT: The officers involved in this police contact denied using any excessive force during the complainant's arrest. Despite numerous requests, the complainant failed to provide additionally requested information concerning the occurrence that was necessary for a thorough OCC investigation.

SUMMARY OF ALLEGATION #4: The officer used sexually derogatory name-calling.

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

FINDINGS OF FACT: The officers involved in this police contact denied using profanity or any derogatory name-calling. Despite numerous requests, the complainant failed to provide additionally requested information concerning the occurrence necessary for a thorough OCC investigation.

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SUMMARY OF ALLEGATION #5: The officer used excessive force against the complainant in police custody.

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

FINDINGS OF FACT: The officers involved in this police contact denied using any force against the complainant in police custody. Despite numerous requests, the complainant failed to provide additionally requested information necessary for a thorough OCC investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The basis for this allegation is that the officer failed to provide the complainant with a copy of an arrest warrant. The investigation established that the police had no duty to provide the complainant with a copy of the arrest warrant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer entered a residence with cause.

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

FINDINGS OF FACT: The officer entered the complainant's residence to execute an arrest warrant. OCC's investigation established that the police had reasonable belief that the suspect lived at the complainant's residence. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The evidence shows that the complainant signed a Permission to Search form. The complainant denied signing the form. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer damaged the complainant's property without cause.

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

FINDINGS OF FACT: Other than the damages articulated in the incident report, the officer denied that there were other damages done on the complainant's property. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer handcuffed the complainant's son without justification.

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

FINDINGS OF FACT: The police entered the complainant's residence to execute an arrest warrant. While conducting a search, the police located the complainant's son and placed him in handcuffs for officer safety. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was proper, justified and lawful.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer detained, cited and issued an invalid order to the complainant without justification or cause.

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

FINDINGS OF FACT: The officer admitted that the prohibition, for which the complainant was detained, cited and asked to move, was not in force at the time of the incident and therefore he did not have justification or cause for his acts.

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

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

FINDINGS OF FACT: The officer denied committing the alleged acts or making the alleged comments. There were no known witnesses.

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SUMMARY OF ALLEGATION #3: The officer failed to accurately and completely prepare a citation.

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

FINDINGS OF FACT: The officer admitted that he inadvertently wrote the wrong code violation on the citation he prepared for the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer intimidated him and “rushed” him through the collection of personal belongings from the former workplace during the civil stand-by. The named member denied the allegation. The witness officer supported his partner’s statement. The statement from one civilian witness did not provide sufficient corroboration either to the officers’ or to the complainant’s versions of the incident. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named member stated that he acted in a professional manner and never made the comments attributed to him by the complainant. The officer’s partner supported this statement. A civilian witness to the occurrence could not recall whether the officer, in fact, made the alleged comment. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was “unfairly arrested” after defending himself from an attack. The complainant admitted that he “pretended” to swing a baseball bat and pulled out a pellet gun, which looked like an authentic pistol, in response to another person’s threats. The named member stated that there was probable cause to arrest the complainant due to the victim’s statement and a makeshift pistol together with the baseball bat found in the complainant’s vehicle. The officer denied that the victim told him at the scene about threatening to harm the complainant. The available evidence was insufficient and contradictory to determine whether the officer, in fact, had probable cause to take the complainant into police custody.

SUMMARY OF ALLEGATION #2: The officer failed to receive a citizen’s arrest.

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

FINDINGS OF FACT: The complainant stated that he asked the officer to place his attackers under arrest. The named member stated that based on the information provided to him by the complainant, he determined that the complainant’s request for a citizen’s arrest was not supported by probable cause. The available evidence was contradictory as what specific evidence the officer obtained from the complainant and the victim at the scene of the incident. The Office of Citizen Complaints was unable to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named member denied applying excessively tight handcuffs to the complainant. There were no identifiable witnesses to this part of the incident. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he requested to speak with the arresting officer's supervisor but his request was denied. The named member did not recall this part of the occurrence. There were no identifiable witnesses to this aspect of the incident. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officer did not give him sufficient time to complete a written statement and to proofread at the station. The named member did not recall this part of the occurrence. There were no identifiable witnesses to this aspect of the incident. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to loosen the handcuffs upon request or to handcuff the complainant within the front of his person.

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

FINDINGS OF FACT: The named member did not recall the complainant making such request at any time. There were no identifiable witnesses to this aspect of the incident. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer failed to seize tape-recorded evidence. The officer denied the allegation, stating the complainant never requested that the officer seize such evidence. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer failed to seize tape-recorded evidence. The officer denied the allegation, stating the complainant never requested that the officer seize such evidence. The OCC investigation determined that this named officer was on scene as a back-up unit to her superior officer, who was the primary investigative unit conducting the investigation. As such, this named officer had a subordinate role and was not responsible for deciding whether or not to seize tape-recorded evidence.

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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 the officer raised his voice and threatened to leave the scene without conducting his investigation of an assault and battery perpetrated upon the complainant. The officer denied the allegation, stating it was the complainant who asked him to leave. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to accept a private person's arrest.

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

FINDINGS OF FACT: The complainant stated that the officer failed to accept her citizen's arrest of the person who perpetrated an assault and battery upon her. The officer acknowledged he did not accept a private person's arrest from the complainant because the complainant failed to furnish sufficient information to support, by probable cause, that a crime had been committed. There is insufficient evidence to either prove or disprove the allegation. No other witnesses came forward.

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SUMMARY OF ALLEGATION #5: The officer failed to write an Incident Report.

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

FINDINGS OF FACT: The complainant stated the officer failed to provide an incident number and prepare a written report of the incident. The officer denied the allegation, stating he had no responsibility to write a report, as a private person's arrest was not made. The OCC investigation determined it has been the SFPD's long-standing policy for its officers to prepare a written report in all instances of private person's arrest, including those in which an arrest is not made. Thus, by a preponderance of the evidence, the officer acted improperly when failing to document the complainant's incident.

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

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

FINDINGS OF FACT: The complainant stated the named member failed to provide an incident number and prepare a written report of the incident. The officer denied the allegation. The officer's supervisor bore responsibility for any report to be written, as the supervising officer was the primary investigative unit on scene, the subordinate named officer was on scene in a back-up role, and the supervising officer did not delegate the responsibility to his subordinate to write a report. Thus, while an incident report should have been written, the named officer acted justifiably, lawfully and properly in not writing an Incident Report in this instance.

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SUMMARY OF OCC Added ALLEGATION #1: The San Francisco Police Department failed to re-issue a Department Bulletin prior to its expiration date.

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

FINDINGS OF FACT: Department General Order 5.04, entitled "Arrests by Private Persons," was superseded by Department Bulletin "A" 02-226 on December 30, 2002, which, in turn, expired as of December 30, 2004 and was not re-issued by the Department. As such, there has been no *current* governing policy regarding officers' duties and responsibilities in situations involving arrests by private persons for over fourteen (14) months.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-7: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that the officers had no cause to search her residence because the subject of their search warrant had not resided there for over six months. The investigation produced evidence of a valid search warrant signed by a Superior Court Judge that authorized the search of the complainant's residence. The officers obtained the warrant by establishing that the subject of the warrant used the complainant's address as his address of record. The investigation confirmed that the complainant's address was used by the subject of the warrant as his home address. The search of the residence was therefore within policy and proper.

SUMMARY OF ALLEGATION #8: The officer damaged personal property of the complainant.

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

FINDINGS OF FACT: The investigation established that the door to the complainant's residence was damaged as a result of a permissible forced entry. The damage was properly documented and accounted for. A safe was also damaged when no key or combination was provided, so that the officers, in executing the judge's warrant, could look inside at the contents. The damage to the safe was also documented. The complainant alleged that a CD belonging to a relative was broken by the officers during the search. The officers denied breaking a CD or knowing of the damage. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9:The officer made improper entry of complainant's residence.

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

FINDINGS OF FACT: The officer stated that officers executing a search warrant gave knock and notice and waited a reasonable length of time before forcing entry of the complainant's residence. The complainant stated that her attention was drawn to the officers when she heard them battering their way into her residence door. She did not hear them knock or give notice. No witnesses were located who heard proper notice before the forced entry was ordered. 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 displayed his service weapon without justification.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation was successfully conducted on March 2, 2006.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation was successfully conducted on March 2, 2006.

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SUMMARY OF ALLEGATION #4: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation was successfully conducted on March 2, 2006.

SUMMARY OF ALLEGATION #5-7: The officers detained the complainant for an excessive period of time.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation was successfully conducted on March 2, 2006.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. Mediation was successfully conducted on March 2, 2006.

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 co-complainant's home without cause.

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

FINDINGS OF FACT: The officers stated that they were responding to report that the co-complainant was abusing his 10-year old son. According to Emergency Communications Records, the child's mother called 911 and made this report. Officers provided inconsistent statements regarding the co-complainant's demeanor and willingness to let them inside his house. There were no other available witnesses. There was no additional evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5-6: The officers detained the co-complainant without justification.

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

FINDINGS OF FACT: The co-complainant stated that he was detained when he tried to keep the officers away from his son. The officers stated the co-complainant, a possible suspect in a child abuse investigation, was detained when he attempted to interfere with officers' questioning of his son, the possible victim of child abuse. Emergency Communications Records confirm that the child's mother called 911 and made this report. The officers had a duty to investigate. The officers' conduct was proper.

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SUMMARY OF ALLEGATION #7: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The co-complainant stated that the officer pushed him and made an inappropriate remark. The officer stated that he “crowded” the co-complainant into another room. The officer acknowledged that he made an inappropriate remark. The allegation is sustained.

SUMMARY OF ALLEGATIONS #8-9: The officers used unnecessary force during the co-complainant’s detention.

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

FINDINGS OF FACT: The co-complainant stated that officers used force to keep him away from his son. The complainant did not see the officers use any force on the co-complainant. The officers stated that the co-complainant, a suspect in a child abuse investigation, physically tried to keep officers away from his son, the possible victim. The officers stated that they used a Department –approved bent wrist technique to gain control of the co-complainant. One witness stated that she saw the co-complainant “wrestling” with the officers. A second witness stated that the co-complainant took a fighting stance when he was told to step back. A third witness stated that the co-complainant tried to pull away from the officers. There was no additional evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #10: The officer failed to provide medical attention.

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

FINDINGS OF FACT: The complainant stated that she informed the officers that she had heart problems; she did say that she requested medical attention. The co-complainant did not complain that the officers did not provide medical attention to his mother, the complainant. Four witnesses stated they did not hear the complainant ask for medical attention. One witness stated that the complainant said something about her chest and an officer offered to call an ambulance. Two other witnesses stated that the complainant was alternately yelling and crying but did not request medical attention or say she was in pain. Another witness saw the complainant arguing with officers but did not say she was in pain or ask for an ambulance. The officer stated that the complainant stated that she had a heart condition but refused repeated offers to call an ambulance. There was no additional evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer failed to accept a citizen's complaint.

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

FINDINGS OF FACT: The co-complainant stated that he asked to make a complaint against the officers in his house. Nine officers who were at the scene stated they did not hear the complainant say he wanted to make a complaint. The supervising officer did not recall whether the complainant wanted to make a complaint. There were no other available witnesses. There was no additional evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #12-14: The officers failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The co-complainant stated that he was not handcuffed. Two officers stated that the complainant was handcuffed only for the time it took to move him from the living room to the kitchen. No other witnesses saw the complainant handcuffed. There was no additional evidence to either prove or disprove the allegation.

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's son without cause.

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

FINDINGS OF FACT: The officer was dispatched to the scene due to a call for police assistance, and detained the complainant's son as a result of investigating this call. It was reasonable for the officer to detain the complainant's son, as her son was seen to be a danger to himself or others during this investigation. The evidence proved that the conduct alleged did occur, however said conduct was proper and justified.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The officer told the complainant the truth about the circumstances of her son's detention, which was appropriate behavior. The alleged act of inappropriate behavior did not occur.

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SUMMARY OF ALLEGATION #3: The officer inappropriately handcuffed the complainant's son.

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

FINDINGS OF FACT: The complainant's son was seen to be violent, and a danger to himself and others, during this investigation. The Department General Orders allow a juvenile to be handcuffed to himself under these circumstances. The officer acted properly in handcuffing a violent juvenile to himself to prevent injury to himself or others. The evidence showed that the alleged act occurred, however said act was proper and lawful pursuant to Department General Orders.

SUMMARY OF ALLEGATION #4: The officer displayed bias in his actions during this incident.

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

FINDINGS OF FACT: The complainant did not provide evidence to support this statement, and could not explain why she felt this to be the case. The evidence proved that the alleged act did not occur.

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

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

FINDINGS OF FACT: There is insufficient evidence to corroborate the complainant's allegations. OCC has provided an exhaustive search of all possible dates and incidents to corroborate the complainant's allegations involving her deceased husband, to no avail. A letter was sent to the complainant on December 22, 2005, expressly requesting assistance for a more accurate date of her late husband's arrest and subsequent medical care for his alleged neck injury. There has been no contact from the complainant since December 22, 2005. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #2: The officer failed to mirandize, in regards to an arrest.

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

FINDINGS OF FACT: There is insufficient evidence to corroborate the complainant's allegations. OCC has provided an exhaustive search of all possible dates and incidents to corroborate the complainant's allegations involving her deceased husband, to no avail. A letter was sent to the complainant on December 22, 2005, expressly requesting assistance for a more accurate date of her late husband's arrest and subsequent medical care for his alleged neck injury. There has been no contact from the complainant since December 22, 2005. The complainant failed to provide additional requested evidence.

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SUMMARY OF ALLEGATION #3: The officer(s) detained the complainant's husband without justification.

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

FINDINGS OF FACT: There is insufficient evidence to corroborate the complainant's allegations. OCC has provided an exhaustive search of all possible dates and incidents to corroborate the complainant's allegations involving her deceased husband, to no avail. A letter was sent to the complainant on December 22, 2005, expressly requesting assistance for a more accurate date of her late husband's arrest and subsequent medical care for his alleged neck injury. There has been no contact from the complainant since December 22, 2005. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #4: The officer(s) handcuffed the complainant's husband without justification.

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

FINDINGS OF FACT: There is insufficient evidence to corroborate the complainant's allegations. OCC has provided an exhaustive search of all possible dates and incidents to corroborate the complainant's allegations involving her deceased husband, to no avail. A letter was sent to the complainant on December 22, 2005, expressly requesting assistance for a more accurate date of her late husband's arrest and subsequent medical care for his alleged neck injury. There has been no contact from the complainant since December 22, 2005. The complainant failed to provide additional requested evidence.

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SUMMARY OF ALLEGATION #5: The officer(s) arrested the complainant's husband without cause.

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

FINDINGS OF FACT: There is insufficient evidence to corroborate the complainant's allegations. OCC has provided an exhaustive search of all possible dates and incidents to corroborate the complainant's allegations involving her deceased husband, to no avail. A letter was sent to the complainant on December 22, 2005, expressly requesting assistance for a more accurate date of her late husband's arrest and subsequent medical care for his alleged neck injury. There has been no contact from the complainant since December 22, 2005. 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 used excessive force during a detention.

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

FINDINGS OF FACT: The four officers involved in separating two parties in a fight all denied the allegation. Office of Citizen Complaints attempts to contact one witness were unsuccessful, and the complainant could not provide a positive identification on the officer in question. There is insufficient evidence to name any particular officer to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to report and document the use of force.

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

FINDINGS OF FACT: All officers involved in the response denied the allegation. Office of Citizen Complaints attempts to contact one witness were unsuccessful, and the complainant could not provide a positive identification on the officer in question. There is insufficient evidence to name any particular officer to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer allegedly behaved and spoke inappropriately.

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

FINDINGS OF FACT: The officer denied the allegation. No witnesses were identified during the investigation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer detained the complainant without justification on November 23, 2004.

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

FINDINGS OF FACT: The complainant stated that he had not committed any violations of the law by transporting a person. The evidence showed that there is an ongoing and significant problem in San Francisco with out of town taxicabs illegally picking up fares in violation of San Francisco Municipal Police Codes 1078a and 1098a. As a member of the Taxi Detail squad, the officer was investigating out of town cabs picking up fares. Another member of the Department entered the complainant's cab as a fare and when it was determined that the complainant was not a San Francisco cab, the complainant was detained. The evidence showed that the alleged conduct did occur, however, said conduct was proper and lawful.

SUMMARY OF ALLEGATION #2: The officer detained the complainant on 3/16/05 without justification.

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

FINDINGS OF FACT: The complainant stated that he had not committed any violation of the law for him to be detained. The officer stated that as a member of the Taxi Detail, he made a call to an out of town Cab Company for a transport. Out of town cab companies are not permitted to pick up or transport fares in San Francisco pursuant to Municipal Police Codes 1089a and 1078a. Soon thereafter, a cab came to the area for which the officer had called. The officer entered the cab and detained the driver for investigation. The evidence showed that the alleged conduct occurred, however, said conduct was proper and lawful.

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SUMMARY OF ALLEGATIONS #3: The officer cited the complainant without cause on November 23, 2004.

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

FINDINGS OF FACT: The complainant was cited for violations of MPC 1089a and 1078a – unlicensed cab and no permit. The evidence proved that complainant was driving an out of town Yellow Cab registered in Pacifica and thus the complainant was not permitted to accept fares within San Francisco. The evidence showed that the alleged conduct did occur, however, said conduct was lawful and appropriate.

SUMMARY OF ALLEGATION #4: The officer cited the complainant without cause on March 16, 2005.

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

FINDINGS OF FACT: As a member of the Taxi Detail, the officer was conducting an investigation into out of town cabs illegally collecting fares in San Francisco. The officer called for a cab to pick him up at a San Francisco address and a cab arrived. The officer then cited the complainant (who he knew from other contacts for the same offense) for illegally operating an out of town cab registered to a Daly City company. The evidence showed that the alleged conduct did occur, however, said conduct was proper and lawful.

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SUMMARY OF ALLEGATION #5: The officer acted inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The officer denied the allegation. No independent witnesses came forward. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers acted inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The officers denied the allegation. No independent witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The officer stated that she was a back up officer and did not handcuff the complainant. The evidence showed that the named member was not the member involved in the action.

SUMMARY OF ALLEGATION #9: The officer placed tight handcuffs on the complainant and failed to loosen them when requested.

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

FINDINGS OF FACT: The complainant stated that the officer placed tight handcuffs on him and did not loosen them when requested by the complainant. The officer denied the allegation. Another officer stated that he placed the handcuffs on the complainant but did not recall the complainant asking any officer to loosen the cuffs due to tightness on the complainant's wrist. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officers failed to investigate an incident after she had been robbed and hit by a car. The officers denied the allegation, citing a confidentiality statute. They explained that they were unable to investigate the complainant's case without her personally coming to their office and opening a case. They stated they could not take her statement over the phone. They stated that the case remained a "file" case, opened until the complainant responded to their office and provided them with a personal interview. The officers said that the complainant had not come to their office.

SUMMARY OF ALLEGATION #3: The officer made inappropriate remarks to the complainant over the telephone.

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

FINDINGS OF FACT: The complainant stated that the officer told her to shut up. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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SUMMARY OF ALLEGATION #4: The officer acted in an inappropriate manner to the complainant over the telephone.

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

FINDINGS OF FACT: The complainant stated that a female officer hung up on her. The Office of Citizen Complaints was unable to identify the officer alleged to have committed the offending conduct. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer threatened and intimidated 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.

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

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

FINDINGS OF FACT: The officer could not specifically remember the incident in question. 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 failed to take required action.

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

FINDINGS OF FACT: The officer and his partner told the Office of Citizen Complaints that the officer's partner bore the responsibility to take the required action. The partner admitted that he failed to do so. There is insufficient evidence to prove that the officer should have known the action was not taken, thus giving him independent responsibility to take the action.

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

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

FINDINGS OF FACT: The officer admitted that as the officer in charge of the incident it was his responsibility to have taken the required action and that he failed to do so.

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SUMMARY OF ALLEGATIONS #3 and 4: The officers behaved in an inappropriate manner.

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

FINDINGS OF FACT: The officers denied the allegation. Although both witnesses corroborated the officers' demeanor as being nonchalant and harassed, the description of the demeanor does not rise to the level of misconduct however subjectively it was viewed as less than polite.

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 operate a department vehicle.

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

FINDINGS OF FACT: There is insufficient evidence to identify the officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1: The officer used excessive force during an investigation.

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

FINDINGS OF FACT: The officer denied the allegation while his partner could not recall the alleged interaction. There were no witnesses who could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2-3: The officers failed to properly investigate.

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

FINDINGS OF FACT: The officers denied the allegation. The officers also stated that although there was nobody at the corner where the complainant said there was a man who was after him, they drove around the corner to put the complainant at ease. Although the complainant was denied service at a shelter and was given a ride by a Mobile Assistance Patrol driver, there were no witnesses to the complainant's report to the officers. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that three officers, including a female officer and an officer in training, approached her, asked what she was doing, and told her not to leave. The officers denied the allegation. SFPD and Emergency Communications Division records established that the female officer and recruit officer arrived onto the scene after the complainant was taken into custody. The third officer was directly involved in arresting the complainant without any reported prior detention. Therefore, the evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #4-5: The officers exhibited inappropriate behavior and made rude comments.

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

FINDINGS OF FACT: The complainant stated the officers acted rudely, making sarcastic remarks and laughing at her. The officers denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6-7: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated she was out walking her dog when officers unjustifiably arrested her. The officers denied the allegation. The superior officer ordered the complainant's arrest for her having interfered with a police investigation, where upon she was subsequently arrested for resisting arrest and being publicly intoxicated. There is insufficient evidence to prove or disprove the level of the complainant's interference, resistance, or sobriety, such that the officers had reason enough to arrest her.

SUMMARY OF ALLEGATION #8-9: The officers made false charges.

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

FINDINGS OF FACT: The complainant stated she was unjustifiably charged with public intoxication and resisting arrest. The officers denied the allegation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #10-11: The officer's confiscated complainant's personal property without justification.

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

FINDINGS OF FACT: The complainant stated the officers seized her dog without justification. The officers denied the allegation, stating the justifiable arrest of the dog's owner required the animal to be placed with Animal Care and Control agency. As there was insufficient evidence to prove the complainant's arrest as justifiable, there is insufficient evidence or witness account(s) to prove or disprove the appropriateness of the officers seizing the complainant's dog.

SUMMARY OF ALLEGATION #12-13: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officers roughly handcuffed her and threw her into a patrol vehicle, whereupon she sustained body injuries. The officers denied the allegation, stating that, while the complainant resisted her arrest, she was taken into custody with only the necessary force needed and she sustained no injury. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #14-15: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated she was transported directly to Mission District Station and gave her personal property to officers there. The officers denied the allegation, stating the complainant was transported directly to County Jail. San Francisco Police Department and Emergency Communications Division records substantiated the officers' account of what occurred. As such, the complainant would have been booked and processed at County Jail by San Francisco Sheriff Department deputies/personnel. Thus, the loss of personal property (i.e., jewelry) would have occurred while the complainant was in the custody of San Francisco Sheriff Department personnel.

SUMMARY OF ALLEGATION #16: This allegation raises matters outside Office of Citizens Complaints jurisdiction.

CATEGORY OF CONDUCT: **FINDING:** I.O.1. **DEPT. ACTION:**

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

San Francisco Sheriff Department
Internal Affairs
25 Van Ness Ave., 3rd Floor
San Francisco, CA 94102

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SUMMARY OF ALLEGATION #1: The officer made threatening remarks to the complainant.

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

FINDINGS OF FACT: The complainant stated officer(s) threatened to cite him if he continued to sleep in his vehicle. The complainant stated the unknown officer(s) threatened to arrest him. The officer(s) stated he did not recall the incident. The identity of the alleged other officer(s) has not been established. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The complainant states it is his belief that this is an on-going pattern of harassment.

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

FINDINGS OF FACT: The complainant stated as a continuing pattern of harassment, unknown officers told him that he could not sleep in his recreational vehicle. The complainant stated he was harassed by the police on a continual basis regarding him living in his vehicle while parked on city streets. The identity of the alleged officer(s) has not been established. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer stated that he double-locked the complainant's handcuffs and handcuffed just one of the complainant's hands to the bench. He also denied pulling the complainant's arms over her head after she was handcuffed. Another officer supported this statement and said that the complainant never complained of pain or discomfort. The complainant failed to respond to contact attempts and could not be interviewed. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer made a profane statement.

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

FINDINGS OF FACT: The complainant stated that she was walking a picket line and became embroiled in a verbal dispute with the named officer over blocking a truck that sought to pass. Both the complainant and the officer stated that the dispute touched on union issues. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The complainant stated that she was walking a picket line and became embroiled in a dispute with the named officer over blocking a truck that sought to pass. Both the complainant and the officer stated that the dispute touched on union issues. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.