OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/08/09 **DATE OF COMPLETION:** 07/22/09 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant said he was standing on the sidewalk and was arrested without cause. The complainant did not respond to requests for further information. The named and one witness 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 improperly processed property.

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

FINDINGS OF FACT: Two officers involved in the arrest denied the allegation, stating that they did not seize the complainant's belongings. San Francisco Police Department and Sheriff Department records indicated that some of the complainant's belongings were booked with him at the County Jail, but did not include the items that the complainant alleged were lost. The complainant did not respond to efforts to interview him. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/11/09 **DATE OF COMPLETION:** 07/31/09 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that she heard a police car stop abruptly and saw a man who was in front of the car get to his feet. The driver of the police car approached the man, who was not acting in an aggressive or threatening manner, with his baton raised. He yelled at the man, grabbed the man and handled him roughly, pushing him towards the driver's side of the police car. This officer handcuffed and searched the man, placed him in the back of his patrol car and drove away.

The named officer stated that a man stepped out into the street in front of his patrol car mid-block, forcing him to stop abruptly. This man slapped the hood of the car and started moving towards the driver's side of the vehicle. The named officer, who was concerned for his safety, exited the car and grabbed and handcuffed the man. The named officer denied handling the man roughly or brandishing his baton. The named officer placed the man in the back of the patrol car and drove a short distance away to question the man where they would not be blocking traffic. The named officer then released the man.

The named officer's partner provided a similar description of the incident as the named officer, but said he did not recall seeing the named officer have any physical contact with the man who stepped in front of their car.

The man who the named officer detained told the Office of Citizen Complaints that he did not recall having an encounter with police officers. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 03/11/09 **DATE OF COMPLETION:** 07/31/09 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer detained and searched an individual without justification.

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

FINDINGS OF FACT: The complainant stated that she heard a police car stop abruptly and saw a man who was in front of the car get to his feet. The driver of the police car approached the man, who was not acting in an aggressive or threatening manner, with his baton raised. He yelled at the man, grabbed the man and handled him roughly, pushing him towards the driver's side of the police car. This officer handcuffed and searched the man, placed him in the back of his patrol car and drove away.

The named officer stated that a man stepped out into the street in front of his patrol car mid-block, forcing him to stop abruptly. This man slapped the hood of the car and started moving towards the driver's side of the vehicle. The named officer, who was concerned for his safety, exited the car and grabbed and handcuffed the man. The named officer placed the man in the back of the patrol car and drove a short distance away to question the man where they would not be blocking traffic. The named officer released the man after determining that he was not a danger to himself.

The named officer's partner provided a similar description of the incident as the named officer.

The man who the named officer detained told the Office of Citizen Complaints that he did not recall having an encounter with police officers. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 03/11/09 **DATE OF COMPLETION:** 07/31/09 **PAGE#** 3 of 3

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The evidence established that the named officer handcuffed a man, placed him in his patrol car and released him a short time later, but did not issue him a Certificate of Release.

SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to log his use of a Department vehicle on his station's Daily Sign-Out Log.

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

FINDINGS OF FACT: The named officer stated that at the time of this incident, he was driving a particular patrol car which he had signed out for on his station's Daily Sign Out Log, on which officers write their names and unit identifier and the number of the vehicle they are checking out. The Daily Sign Out Logs provided to the Office of Citizen Complaints from the named officer's station for that date do not list his or his partner's name, their unit identifier or the number of the vehicle the named officer said they were driving. There are currently no written Department regulations requiring that officers make an entry in their station's Daily Sign Out Log. The Office of Citizen Complaints recommends that the Department adopt a written policy requiring all officers to accurately log their names, unit identifier and their vehicle number on the Daily Sign Out Log.

OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/04/08 **DATE OF COMPLETION:** 07/28/09 **PAGE #**1 of 1

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

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

FINDINGS OF FACT: The named and one witness officer denied the allegation, stating the detention was justified because the complainant violated the traffic code. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity in speaking to the complainant.

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

FINDINGS OF FACT: The named officer said he did not recall using profanity. One witness officer who said he was present did not recall the conversation between the named officer and the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/12/09 **DATE OF COMPLETION:** 07/07/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officers detained him without justification as he walked down the street. The officers denied the allegation. The officers provided conflicting accounts of the conduct that the complainant was engaged in which prompted the officers to detain the complainant. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer made inappropriate gestures toward his firearm. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 03/12/09 **DATE OF COMPLETION:** 07/07/09 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officer searched him without probable cause. The complainant admitted he had a search condition due to a felony search condition. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION:

CATEGORY OF CONDUCT: FINDING: DEPT. ACTION:

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/12/09 **DATE OF COMPLETION:** 07/06/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer entered and searched the complainant's residence.

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

FINDINGS OF FACT: The officer said he was called to the complainant's residence due to a noise complaint from the building manager. He made contact with the complainant and asked if he was alone in the apartment. In response to the named officer's question, the complainant pushed open his residence door to allow him to visually scan his apartment to prove he was alone. The officer stated he visually scanned the complainant's apartment from two to three steps inside his apartment. All three witness officers corroborated the named officer's account of a visual scan from the doorway. One of the witness officers corroborated that the complainant allowed the named officer to look into his apartment. There were no other witnesses.

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

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

FINDINGS OF FACT: The named officer said based on the nature of the call, he asked the complainant questions to determine if he met the criteria for a mental health detention. All three witness officers corroborated the questions were appropriate based on the type of call. The witness said he could hear an officer asking the complainant mental health assessment questions while in the hallway near the complainant's apartment. The witness stated he thought the questions were appropriate for the situation. San Francisco Police Department learning domain states an officer must make an assessment as to a person's mental status to determine if they are dangerous to themselves or others.

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DATE OF COMPLAINT: 03/13/09 **DATE OF COMPLETION:** 07/24/09 **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's motorcycle was cited and towed in violation of parking restrictions that had been imposed for the day of the Chinese New Year's Parade. The complainant alleged that No Parking signs had not been posted in the area where he parked earlier that morning. The complainant alleged the original sign must have fallen off when he initially parked, and was replaced during the time he had left the area. The officer advised that several No Parking signs had been posted in the immediate vicinity several days in advance of the Chinese New Year's Parade, and the complainant should have noticed one of them. The officer said missing or vandalized No Parking signs were periodically replaced during this time period. Department Records confirmed that the area had been properly posted. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer had the complainant's motorcycle towed without cause.

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

FINDINGS OF FACT: The complainant's motorcycle was cited and towed in violation of parking restrictions that had been imposed for the day of the Chinese New Year's Parade. The complainant alleged that No Parking signs had not been posted in the area where he parked earlier that morning. The complainant alleged the original sign must have fallen off when he initially parked in the location, and was replaced during the time he left the area. This sign provided notice that vehicles would be cited and towed for violating parking restrictions. The officer advised that several No Parking signs had been posted in the immediate vicinity, several days in advance of the Chinese New Year's Parade, and the complainant should have noticed one of them. The officer said missing or vandalized No Parking signs were periodically replaced during this time period. Department Records confirm that the area has been properly posted. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 03/16/09 **DATE OF COMPLETION:** 07/28/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers engaged in racially biased policing.

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

FINDINGS OF FACT: The complainant, an African-American male, stated the officers practiced racially biased policing when they cited him for jaywalking but did not cite Caucasian persons who were jaywalking as the complainant was being cited. Both officers denied the allegation. Both officers stated they observed the complainant jaywalking and cited him for that reason alone. The complainant admitted that he was jaywalking but said others do it all the time. One officer stated that if persons were jaywalking, they were not in the area when the officer completed the complainant's citation. The second officer stated he did not observe any persons jaywalking. There were no witnesses to the contact. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer and a witness officer stated the complainant voluntarily consented to being searched. The officer stated he conducted a pat search for safety reasons. As part of a citation/ arrest, an officer is permitted to conduct a reasonable (Terry) search of an individual for safety concerns. The officer had detained the complainant to issue a citation, the complainant was wearing bulky clothing that could conceal a weapon and the complainant was not complying with officer advisements. The evidence showed that the act alleged did occur, however said act was proper and lawful.

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DATE OF COMPLAINT: 03/16/09 **DATE OF COMPLETION:** 07/28/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4: The officer failed to accept a citizen complaint.

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

FINDINGS OF FACT: The complainant stated he telephoned the station and spoke to the officer. It was the complainant's understanding that the officer was taking his complaint against other San Francisco Police Department officers. The complainant said the officer never called him back to acknowledge or advise him as to what had occurred with the officers. The named officer stated he never received a phone call from the complainant nor did he have any knowledge of the incident. There are no independent witnesses to both sides of the phone call. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/18/09 **DATE OF COMPLETION:** 07/28/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant, a cab driver, stated a patrol car pulled up next to him and the passenger male Asian officer yelled and screamed at him. The complainant said he was double-parked, waiting for a passenger and wearing a headset. The complainant stated he was not talking on the cell phone. The named officer stated he had no recollection of the complainant or the event. The officer said he frequently has brief encounters with motorists. He may admonish motorists for driving while on their cell phones, blocking traffic, blocking bike lanes and double parking. The officer said he does not randomly shout at people. However, he has ordered people to move or be cited. There were no identified independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/19/09 **DATE OF COMPLETION:** 07/08/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant admitted contact with an unidentified male at the location where he was reportedly seen conducting a hand-to-hand narcotics transaction, which he denied. The officers stated they saw the complainant receiving suspected crack cocaine wrapped in plastic, and putting it into his mouth to chew it or swallow it in order to avoid detection. The officers said the complainant resisted their detention in an attempt to swallow the narcotics. Medical records failed to substantiate narcotics ingestion as the complainant admitted to cocaine use the day prior so toxicology tests were discontinued. There were no known witnesses to the detention. A preponderance of evidence established the officers reasonably suspected the complainant was involved in a narcotics transaction to detain him. The officers' reasonable suspicion was 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 complainant admitted contact with an unidentified male at the location where he was reportedly seen conducting a hand-to-hand narcotics transaction, which he denied. The officers stated they saw the complainant receiving suspected crack cocaine wrapped in plastic, putting it into his mouth to chew it or swallow it, and resisted their lawful detention to investigate. The officers then saw at close range the complainant spitting out small pieces of plastic and small pieces of suspected crack cocaine from his mouth during a struggle. The officers believed the complainant tried to swallow narcotics. The officers handcuffed the complainant due to his resistance to a lawful detention pending the arrival of paramedics, who transported him to Saint Francis Memorial hospital for further medical evaluation. Medical records substantiated the complainant's recreational use of narcotics and the officers' medical concerns over narcotics ingestion. A preponderance of evidence supports the officers had legitimate reasons to restrain the complainant despite subsequent evidentiary reasons to release him to paramedics to seek medical evaluation. The officer's actions were lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officers used excessive force by strangling him with their thumbs on his neck below the jaw line, which impeded his ability to breath and made him dizzy. Both officers admitted the use of mastoid control technique with a resistive complainant to prevent him from swallowing the narcotics he placed into his mouth, but denied choking the complainant. There was no known witness to either prove or disprove the allegation. Medical records neither verified nor denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant gave conflicting statements regarding the officer who threatened him by placing his hand on his weapon during a struggle to detain him. Both detaining officers denied the allegation. There was no known witness to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION**: 07/19/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer stated he detained the complainant for an expired registration. However, after looking at the complainant's current registration papers, the officer realized he made a mistake. The officer stated he immediately apologized to the complainant. The officer stated that, due to an eye astigmatism, he has trouble differentiating the number eight from the number nine at sunset. The stop occurred at sunset. According to the CAD, the detention lasted approximately four minutes. There were no witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated he was driving behind the complainant and saw that the registration sticker said 2008. The officer detained the complainant for having an expired registration. However, after looking at the complainant's current registration papers, the officer realized he made a mistake. The officer stated he immediately apologized to the complainant but the complainant remained angry and demanded his star number, which he provided. The officer stated that he did not know the race or sex of the driver until he exited his vehicle and approached the complainant. There were no witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 03/27/08 **DATE OF COMPLETION:** 07/09/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-3: The officer entered a hotel room without a warrant.

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

FINDINGS OF FACT: The officers went to the location because they had information from an informant that a suspect, who was wanted on a felony warrant, was dealing drugs there. Hotel personnel confirmed that the suspect was there. The officers went to the door of the hotel room, knocked, and announced themselves. When the officer heard sounds of people possibly

destroying evidence and attempting to flee, they forced entry into the room. The officers' conduct was lawful and proper.

SUMMARY OF ALLEGATION #4-6: The officer searched a hotel room without a warrant.

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

FINDINGS OF FACT: The officers searched the room, which was under the suspect's control, pursuant to a valid search condition.

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SUMMARY OF ALLEGATION #7: The officer seized property without a warrant.

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

FINDINGS OF FACT: The officer seized items of evidence pursuant to a valid search condition.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/02/09 **DATE OF COMPLETION:** 07/31/09 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that he called the police from a donut shop because drug dealers were doing business there. The complainant stated that he went behind the counter and stole a donut, which caused the female proprietor of the shop to begin screaming. When officers arrived, they handcuffed the complainant. Communications Records indicate that the complainant called the police multiple times within several minutes, first reporting a theft of property from his home and then complaining about drug dealers in a donut shop. During two of the calls the complainant began yelling and ranting in an aggressive manner, used profanity and hung up. Another individual could be heard shouting in the background and there appeared to be the sound of a fight in one or more of the calls. Department Records indicate that Communications reported this as a fight and advised that the caller might have an altered mental state. The named officer stated that she and her partner responded to the scene of a fight and encountered the complainant, who was standing in the middle of the street screaming, waving his arms and acting in an aggressive manner. Prior to her arrival, Communications reported that the complainant had been rambling on the phone and had a possible altered mental state. The named officer stated that she repeatedly asked the complainant to calm down and step onto the sidewalk, but he did not comply. The named officer stated that the complainant was significantly larger than her and her partner, and that due to the statements made by Communications and her observations of the complainant, she handcuffed him for safety reasons. The named officer said she released the complainant after an investigation determined that the proprietor of the donut shop did not want to press charges.

The named officer's partner and two witness officers confirmed her account of the incident and her description of the complainant's behavior. During his interview with the Office of Citizen Complaints, the complainant gave a disjointed account of this incident, repeatedly nodding off and forgetting what he had been saying. During a follow-up interview by the Office of Citizen Complaints, the complainant became irate, began cursing and hung up. The named and the three witness officers all described the complainant acting in an aggressive manner. His aggressive and somewhat irrational manner at the time of the incident was confirmed by his statements to the Communications Dispatcher and by his admission of having stolen a donut from the donut shop. A preponderance of the evidence establishes that given the totality of the circumstances, the named officer's handcuffing of the complainant was proper.

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SUMMARY OF ALLEGATION #2 & 3: The officers failed to take a report

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

FINDINGS OF FACT: The complainant stated that he called the police from a donut shop because drug dealers were doing business there. The complainant stated that he went behind the counter and stole a donut, which caused the female proprietor of the shop to begin screaming. At some point, one of the drug dealers chased the complainant, and as he was running, he fell and lost his cellular phone. The complainant stated that he told the named officers that there were drug dealers in the donut shop who tried to beat him up. The complainant also told the officers that one of the drug dealers chased him and that he lost his cellular phone as he ran. The complainant stated that the officers refused to take a report about the incident. Communications Records indicate that the complainant called the police multiple times within several minutes, first reporting a theft of property from his home and then complaining about drug dealers in a donut shop. During two of the calls the complainant began yelling and ranting in an aggressive manner, used profanity and hung up. Another individual could be heard shouting in the background and there appeared to be the sound of a fight in one or more of the calls. Department records indicate that Communications reported this as a fight and advised that the caller might have an altered mental state. The named officers denied that the complainant said anything about anyone assaulting or attempting to assault him or about being chased, and denied that the complainant ever asked that a report be prepared. They stated that the complainant acted in an aggressive and hostile manner throughout their contact with him, using profanity and making sexually derogatory comments towards them. They stated that they determined that the complainant had a verbal altercation with the proprietor of a donut shop, during which he stole a donut. The proprietor of the donut shop told the officers she did not want to press charges. Two witness officers confirmed the named officers' account of this incident, and stated that the complainant never reported being the victim of an assault or an attempted assault and never asked that a report be prepared. During his interview with the Office of Citizen Complaints, the complainant gave a disjointed account of this incident, repeatedly nodding off and forgetting what he had been saying. His statement during his interview -- that his wrist was injured either when he was running and fell or when he was handcuffed -- was contracted by his written description of the incident on his complaint form, in which he wrote that drug dealers broke his wrist. The complainant said he told the officers that his wrist hurt, but did not think he told them he injured it during an assault or attempted assault. During a follow-up interview by the Office of Citizen Complaints to clarify some issues, the complainant became irate, began cursing and hung up. The complainant's multiple calls to Communications make no mention of an assault or an attempted assault. The complainant's difficulty in providing a consistent and coherent account of this incident, his failure to clarify issues during an attempted follow-up interview, his rambling and aggressive statements to Communications Dispatchers and his aggressive actions in the donut shop diminish his credibility. The four officers who were present provided consistent descriptions of the incident and of the complainant's aggressive and somewhat irrational behavior. A preponderance of the evidence proves that the complainant did not ask that the officers prepare an incident report concerning a crime of which he had been a victim.

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DATE OF COMPLAINT: 04/02/09 **DATE OF COMPLETION:** 07/31/09 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION # 4 & 5: The officers failed to provide name and star numbers when requested.

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

FINDINGS OF FACT: The complainant stated that he called the police from a donut shop because drug dealers were doing business there. The complainant stated that he went behind the counter and stole a donut, which caused the female proprietor of the shop to begin screaming. When officers arrived, two of them handcuffed the complainant. The complainant asked these two officers for their names and star numbers, but they failed to provide them. Communications Records indicate that the complainant caller the police multiple times within several minutes, first reporting a theft of property from his home and then complaining about drug dealers in a donut shop. During two of the calls the complainant began yelling and ranting in an aggressive manner, used profanity and hung up. Another individual could be heard shouting in the background and there appeared to be the sound of a fight in one or more of the calls. Department Records indicate that Communications reported this as a fight and advised that the caller might have an altered mental state.

The named officers stated that they provided their names and star numbers when asked for them. The named officers stated that the complainant acted in an aggressive and hostile manner throughout their contact with him, using profanity and sexually derogatory comments towards them. Two witness officers stated that they did not hear the complainant ask the named officers for their names or star numbers. During his interview with the Office of Citizen Complaints, the complainant gave a disjointed account of this incident, repeatedly nodding off and forgetting what he had been saying. During a follow-up interview by the Office of Citizen Complaints to clarify some issues, the complainant became irate, began cursing and hung up. No other witnesses to the incident were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officers told other officers at the scene that the complainant had previously been detained under Welfare and Institutions Code 5150 as a possible danger to himself or others. Department Records indicate that prior to this incident, the complainant had been detained by the police on several occasions as a 5150 possible danger to himself or others. Department Records indicate that on the date of this incident, the complainant called the police multiple times within several minutes, first reporting a theft of property from his home and then complaining about drug dealers in a donut shop. During two of the calls the complainant began yelling and ranting in an aggressive manner, used profanity and hung up. Department Records indicate that Communications reported this incident as a fight and advised that the caller might have an altered mental state. The named officer and three other officers who responded described the complainant as acting in an aggressive and abusive manner. The named officer stated that he referred to a previous contact he had with the complainant, but did not say that the complainant had been the subject of a 5150 detention. Given the totality of the circumstances, if the named officer had told his colleagues that the complainant had previously been the subject of a 5150 detention, this would not have been a violation of Department regulations. The other officers at the scene could have discovered this fact for themselves by running a check on the complainant. Given the complainant's behavior in the presence of the officers and immediately prior to that, while speaking with Communications dispatchers, his mental status was a relevant factor for the officers to consider. The evidence established that the named officer's statement was not inappropriate.

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

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

FINDINGS OF FACT: The evidence established that the named officer handcuffed the complainant yet failed to issue him a Certificate of Release.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/31/09 **DATE OF COMPLETION**: 07/07/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 9, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/26/09 **DATE OF COMPLETION:** 07/19/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer behaved in an inappropriate manner with him, becoming irate with him when asking for proof of payment. The officer denied the allegation. No witnesses came forward that could corroborate the officer's demeanor toward the complainant. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/19/09 **DATE OF COMPLETION:** 07/15/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Based on the information provided by the complainant and the investigation, including the research of department records, the individual involved could not be identified as a sworn member of the San Francisco Police Department.

SUMMARY OF ALLEGATION #2: The officer used selective enforcement due to bias.

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

FINDINGS OF FACT: Based on the information provided by the complainant and the investigation, including the research of department records, the individual involved could not be identified as a sworn member of the San Francisco Police Department.

OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/19/09 **DATE OF COMPLETION**: 07/27/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: An officer used racially biased policing.

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

FINDINGS OF FACT: The complainant stated she observed a vehicle being towed in the Tenderloin District. Since the vehicle was in an upright towed position, the complainant stated she observed a blue and white symbol hanging from the rear view mirror and a Central American style poncho draped over the back seat. The complainant stated she did not observe a traffic stop, did not see any San Francisco Police Department officer involved in this tow or know the driver or owner of the vehicle. The complainant did not know of the reason for the tow, or know if it was either San Francisco Police Department related or a vehicle breakdown. The complainant had no further information for the complaint. There is insufficient evidence to investigate the case or to either prove or disprove the allegation that a San Francisco Police Department officer used racially biased policing when this car was towed.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 04/16/09 **DATE OF COMPLETION:** 07/29/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer stated he interviewed all parties. The Inspector's chronological documents his contacts and interviews. The inspector also had a copy of the TRO as part of his investigation. Per DGO 2.01 Rule 5. Performing Duties, the evidence demonstrated that the officer conducted a proper investigation.

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

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

FINDINGS OF FACT: The arresting officers had an arrest warrant which was approved by the DA and signed by a judge. The inspector prepared the arrest warrant based on his investigation and in accordance with DGO 5.04 Arrest By Private Persons and DGO 6.18 Warrant Arrests.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 04/16/09 **DATE OF COMPLETION:** 07/29/09 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation. There were no other witnesses to the contact between the complainant and the Inspector. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 04/20/09 **DATE OF COMPLETION**: 07/19/09 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: IO2 **FINDING:** IO2 **DEPT. ACTION**:

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 04/23/09 **DATE OF COMPLETION:** 07/19/09 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: Based on the information provided by the complainant and the investigation, including the research of department records, there was insufficient evidence to identify the individual involved as a sworn member of the police department.

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

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

FINDINGS OF FACT: Based on the information provided by the complainant and the investigation, including the research of department records, there was insufficient evidence to identify the individual involved as a sworn member of the police department.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 04/23/09 **DATE OF COMPLETION:** 07/19/09 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer made inappropriate comments to the complainant.

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

FINDINGS OF FACT: Based on the information provided by the complainant and the investigation, including the research of department records, there was insufficient evidence to identify the individual involved as a sworn member of the police department.

SUMMARY OF ALLEGATION #4: The officer used profanity towards the complainant.

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

FINDINGS OF FACT: Based on the information provided by the complainant and the investigation, including the research of department records, there was insufficient evidence to identify the individual involved as a sworn member of the police department.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 04/23/09 **DATE OF COMPLETION:** 07/19/09 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer used selective enforcement in detaining the complainant.

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

FINDINGS OF FACT: Based on the information provided by the complainant and the investigation, including the research of department records, there was insufficient evidence to identify the individual involved as a sworn member of the police department.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to issue 849(b) certificate of release as required by general orders.

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

FINDINGS OF FACT: Based on the information provided by the complainant and the investigation, including the research of department records, there was insufficient evidence to identify the individual involved as a sworn member of the police department.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 04/24/09 **DATE OF COMPLETION:** 07/22/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant was arrested and cited without cause.

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

FINDINGS OF FACT: The complainant was arrested and issued citations numerous times for violating Penal Code section 314. The complainant is an activist for an international movement that advocates for the rights of individuals to appear nude in public. The complainant contends that his appearing nude in public is not a violation of Penal Code section 314 because he does not do anything that can be considered "lewd." Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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

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

FINDINGS OF FACT: The complainant alleged that the Department's enforcement actions against him amount to deliberate harassment and violation of his civil rights. Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 04/29/09 **DATE OF COMPLETION**: 07/19/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was cited for sitting on a crate in the middle of the sidewalk and admonished not to follow people and ask for donations. The complainant acknowledged that he was panhandling and sitting a crate but he was seated next to newspaper racks near the curb. The officer said he observed the complainant sitting on a crate in the middle of the sidewalk. The officer also stated he received a complaint from a woman who said the complainant was sitting in the middle of the sidewalk and had aggressively panhandled her. The woman was not identified. There were no available witnesses and no additional evidence to further 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: 04/15/09 **DATE OF COMPLETION**: 07/28/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was driving in San Francisco and came to a stop at an intersection. He stated he observed another vehicle fail to stop and run through the red light. He saw a SFPD vehicle at the intersection fail to cite the traffic violator. The officer stated he does not know if he was at the above listed intersection at the time the complainant claimed he was, but did not see a vehicle fail to stop at a red light. The officer also stated he was not on any special assignment or task that would have prevented him from observing the traffic violation. There was insufficient evidence to either prove, or disprove the allegations made in this complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 12/03/08 **DATE OF COMPLETION:** 07/19/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's conduct was rude, intimidating, threatening, and constituted an abuse of power.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/06/08 **DATE OF COMPLETION:** 07/19/09 **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 the officer improperly investigated and charged her son with rape. The complainant stated the officer fabricated allegations that her son drugged the victim; the officer ignored exculpatory evidence pertaining to the victim's character and past behavior; the officer exceeded the scope of a search warrant; and failed to interview percipient witnesses. The officer stated he followed standard procedures; he properly obtained and executed valid search warrants; his duties do not include making social or medical evaluations of victims; the suspect refused to talk to the officer to identify witnesses; the officer developed and reported the evidence that was available; and presented the evidence to the District Attorney, who made the decision to arrest, charge, and prosecute the suspect. The officer's investigation was sufficient and proper for the District Attorney to proceed with an indictment.

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

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

FINDINGS OF FACT: The complainant stated the officer misrepresented the truth in his testimony; behaved in an accusatory manner toward her son; and willfully and negligently persecuted her son. The investigation established that the officer properly investigated the case; presented the evidence to the District Attorney, who prosecuted the case; and that the officer testified factually to the information that he developed during the investigation.

OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/11/09 **DATE OF COMPLETION**: 07/07/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers failed to prepare an incident report.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 6, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/14/09 **DATE OF COMPLETION:** 07/23/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officers arrested him for aggravated assault without probable cause. The complainant said he had just exited a bus on his motorized wheelchair. The complainant said a homeless man stood in his way and failed to remove his personal items in a timely fashion. The complainant said the two only engaged in a verbal altercation. The officers responded to the scene following a report of a stabbing. They spoke to the homeless male at the scene. He had suffered a stab wound to the leg. He provided a description of the complainant's physical appearance, his wheelchair and his personal belongings. The officers conducted a cold show. The victim identified the complainant during the cold show. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/14/08 **DATE OF COMPLETION**: 07/31/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer demonstrated intimidating and inappropriate behavior.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 10, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 04/23/09 **DATE OF COMPLETION**: 07/15/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The named officers and four witnesses stated that the female arrestee was extremely intoxicated. A ballpark security guard stated he refused to let the arrestee re-enter the park because she so intoxicated. He stated she became angry and punched him in the face. He further stated that the arrestee fought with the officer who came to his assistance. One of the named officers stated he saw the arrestee punch the security guard in the face. He stated that the arrestee struggled with him, and he took her to the ground. Both named officers and two witnesses stated the arrestee repeatedly banged her head on the ground. Both officers tried to keep the arrestee from hurting herself. The female named officer stated that she and the other named officer employed department-taught twist-lock grip and bent-arm controls to handcuff the complainant. Three witness officers and the security guard stated that the named officers never kicked, or stepped on, the arrestee.

The arrestee was transported to the hospital in four-point restraints. The named officer who accompanied the arrestee to the hospital stated that the arrestee fought the medics and cursed at the nurses. He stated the arrestee ran out of the hospital and was not found. The arrestee failed to respond to repeated contact attempts. There was insufficient evidence to determine the level of force used to arrest the woman.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/06/09 **DATE OF COMPLETION:** 07/02/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer acted in an inappropriate manner.

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATION #1: The officer was driving improperly.

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

FINDINGS OF FACT: The complainant provided no contact information. Based on the information provided by the complainant and the investigation, including the research of department records, there was insufficient evidence to identify the officer. No officer was assigned the vehicle on the date the complaint was received.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/20/09 **DATE OF COMPLETION:** 07/30/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The responding officers stated they interviewed the complainant and determined there was no merit to a crime of burglary. The complainant said his door was locked and there were no signs of forced entry into his room. The officers observed his apartment to be extremely cluttered with only 9sq/ft of area to move around. During the investigation, the complainant would oddly change the subject of the burglary and ask them if they knew fellow officers. The complainant did this several times and was unable to stay on track with his story. The officers advised the complainant to thoroughly look for his missing items in his apartment and to contact dispatch if he still needed to file a report. The officers interviewed the front desk clerk and reviewed the security cameras. There was no clear indication of anyone entering or exiting the complainant's room during the time of the alleged crime.

The witness stated he distinctly recalled the complainant come into the hotel sometime around 1:00AM. The witness recalled that the complainant was highly intoxicated. The complainant entered the hotel alone and could barely walk on his own. The witness revealed that the complainant is not mentally stable. The witness stated the complainant was just really intoxicated and doesn't remember what happened. The front desk witness said the security system covers the entire hotel and he did not recall any suspicious activity on the 7th floor of the hotel near the complainant's room. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/15/09 **DATE OF COMPLETION:** 07/30/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was driving his vehicle looking for a parking space. The complainant said he was stopped by a police officer and told he was impeding traffic. The named officer stated he observed the complainant's vehicle in a lane of traffic double-parked. He saw the complainant's car proceed straight, then stop again in the lane of traffic. The officer said vehicles to the rear of the complainant's car blew their horns and drove around into oncoming lanes to avoid the complainant's double-parked vehicle. The named officer stated he made a traffic stop on the complainant because he was clearly impeding the flow of traffic and causing a traffic hazard.

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

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

FINDINGS OF FACT: The complainant stated he was issued a citation for impeding traffic and an invalid drivers license. The complainant acknowledged he could not locate his temporary license when requested by the officer. The named officer stated he observed the complainant clearly impeding the flow of traffic and causing a traffic hazard. The officer said the complainant told him his license "was not good." The officer received the complainant's Department of Motor Vehicle record to indicate his license was over 30 days expired. Department of Motor Vehicle confirmed the driver had a valid temporary license at the time of the traffic stop. Department of Motor Vehicle said the driver must have their temporary license in their possession. Department of Motor Vehicle further confirmed the record would have indicated the driver's license of the complainant to be expired with a pending application. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated the named officer told him his license was invalid and towed his car. The complainant admitted he could not locate his temporary license when requested. The named officer said he requested the complainant's driver's license and the complainant said his license "was not good." The Department of Motor Vehicle record indicated the complainant's driver's license status as expired over 30 days. The officer said the vehicle was towed per policy and department general orders. A sergeant approved the tow. Department of Motor Vehicle confirmed the complainant had a valid temporary license at the time of the traffic stop. However, Department of Motor Vehicle acknowledged the temporary license must be in the driver's possession. Department of Motor Vehicle confirmed the complainant's record would have indicated the license to be expired with a pending application. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said the officer handcuffed him and told him to sit on the ground while he checked his license on the radio. The named officer could not recall if the complainant was handcuffed or not. There were no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer threatened him. The officer denied the allegation. There were no witnesses that came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used profanity in speaking to the complainant.

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

FINDINGS OF FACT: The named officer denied the allegation. Two witness officers said they were not present at the initial detention of the complainant. One witness who was present said the officer told her boyfriend to stop pushing her into a car but did not recall any use of profanity, except by her boyfriend. The witness also acknowledged that she was inebriated. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to identify himself as a police officer.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he was off-duty but when he detained the complainant, he identified himself verbally and by showing his star. Two witness officers said they were not present at the initial detention. One witness said the officer did not identify himself as such but acknowledged she was inebriated. Additionally, her account of the incident varied in significant ways from that of the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer punched him and choked him during a detention. The named officer denied the allegation, stating that he had to push the complainant away from a battery victim and from himself when the complainant refused to stop battering a woman he was with and resisted arrest. Two witness officers said they were not present at the time. One witness who said she was present said she saw an officer punch the complainant, but said the complainant told her later he was taken away and beaten. The witness acknowledged she was inebriated at the time. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named and two witness officers denied the alleged behaviors and comments, or said they were not present at the time of the alleged behavior. The witness at the scene, who acknowledged she was inebriated, provided an account of the incident that varied widely from that of the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named and two witness officers denied the allegation, stating that the victim and two witnesses on the scene provided probable cause to arrest the complainant for domestic violence. One witness on the scene confirmed that her head hit the edge of a car door while she was struggling with her boyfriend, trying to escape him to fight another female at the scene. During her interview, she said her head hit the car when her foot slipped. CAD record further shows that the call for service was characterized as a 418, (fight no weapons). She acknowledged that she was inebriated at the time. No other witnesses came forward. There appears to be sufficient evidence to support a finding of proper conduct.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/26/09 **DATE OF COMPLETION**: 07/28/09 **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 he was sitting in a public park, drinking beer from a coffee cup, when he was cited for having an open container of alcohol in a public place and arrested for being intoxicated in public. He acknowledged being in possession of an opened forty-ounce bottle of beer. The arresting officer, his superior officer and a third officer stated that the complainant displayed several objective signs of intoxication, including slurred speech, bloodshot eyes and unsteady gait. Based on a preponderance of evidence, the officer's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation. There were no witnesses to this contact. 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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COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/22/08 **DATE OF COMPLETION:** 07/22/09 **PAGE #**1 of 1

SUMMARY OF ALLEGATION #1: The complainant was arrested and cited without cause.

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

FINDINGS OF FACT: The complainant was arrested and issued citations numerous times for violating Penal Code section 314. The complainant is an activist for an international movement that advocates for the rights of individuals to appear nude in public. The complainant contends that his appearing nude in public is not a violation of Penal Code section 314 because he does not do anything that can be considered "lewd." Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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

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

FINDINGS OF FACT: The complainant alleged that the Department's enforcement actions against him amount to deliberate harassment and violation of his civil rights. Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 05/19/08 **DATE OF COMPLETION**: 07/27/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer harassed the complainant due to bias.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 15, 2009.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 15, 2009

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 06/02/09 **DATE OF COMPLETION:** 07/10/09 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION # 2: The officer exercised racially biased policing.

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

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

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 06/08/09 **DATE OF COMPLETION:** 07/30/09 **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 acknowledged his right rear stoplamp was not functioning. The complainant said another member of the department verbally advised him of the mechanical violation the day prior.

The named officer said he observed the inoperable brake light on the complainant's vehicle, in violation of a California Vehicle Code section. The officer made a traffic stop on the complainant's vehicle and issued the complainant a dismissible infraction citation. He said the complainant did not advise him that another officer had stopped him the day prior for the same offense. The witness officer corroborated the named officer's account of the broken brake lamp. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said the named officer gave him erroneous information in regards to the administrative fee. The complainant said the officer told him all vehicle lights had to work and threatened the complainant with searching for additional mechanical violations.

The named officer denied telling the complainant he could look for other light violations. The officer said he is always respectful to everyone he comes into contact with. The officer said there is no merit to the complainant alleging that officers issue citations to boost city revenue. He has never been told to issue unwarranted citations to boost city revenues. The named officer said he told the complainant there was an administrative fee and it was $10.00 in the past. However, the officer told the complainant that he believed the fee had changed and he was unaware what the new fee would be.

The witness officer corroborated the account of the named officer's advisement of the administrative fees. The witness officer said the named officer was very patient with the complainant, explaining to him that the California Vehicle Code required a vehicle's lighting to be operational.
There is insufficient evidence to either prove or disprove the allegation in this complaint.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 06/03/09 **DATE OF COMPLETION**: 07/27/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 21, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 06/19/09 **DATE OF COMPLETION:** 07/07/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant loaned his brother his car. The complainant's brother parked the car in an area that was posted with signs indicating that vehicles parked in and around the construction area would be towed. Department records show that there was a call from workers working at the construction site indicating that the complainant's vehicle was in an area posted no parking. The complainant's vehicle was properly towed.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 06/29/09 **DATE OF COMPLETION:** 07/25/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to respond to numerous contact attempts. The complainant failed to provide any additional evidence regarding the complaint.

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

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

FINDINGS OF FACT: The complainant failed to respond to numerous contact attempts. The complainant failed to provide any additional evidence regarding the complaint.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 06/30/09 **DATE OF COMPLETION:** 07/22/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer harassed and threatened to arrest the complainant.

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

FINDINGS OF FACT: The officer briefly detained the complainant upon observing him walking down Market Street naked and told him to put some clothes on. The evidence proved that the action complained of was the result of inadequate or inappropriate training; or a absence of training when viewed in light of Departmental policy and procedure.

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

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

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

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/07/09 **DATE OF COMPLETION**: 07/27/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that during a San Francisco Public Library hearing regarding the suspension of his library privileges, the officer sat in a manner so that the complainant was intimidated by the seated officer's holstered firearm. The complainant also stated the officer provided the wrong location and direction that computers were situated in the library. The information provided by the complainant does not rise to a level of misconduct wherein the officer violated any department policies or procedures. Any testimony regarding to the location of the computers would be an inadvertent error not related to the underlying library hearing regarding the complainant's conduct. The evidence showed that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/07/09 **DATE OF COMPLETION**: 07/07/09 **PAGE#** 1of 1

SUMMARY OF ALLEGATION #: 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:

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Third Floor
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: 07/09/09 **DATE OF COMPLETION**: 07/09/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: 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. It was referred for further investigation to:

MTA
MUNICIPAL RAILWAYS
1 South Van Ness Avenue
San Francisco, CA 94103

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/07/08 **DATE OF COMPLETION:** 07/22/09 **PAGE #**1 of 1

SUMMARY OF ALLEGATION #1: The complainant was arrested and cited without cause.

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

FINDINGS OF FACT: The complainant was arrested and issued citations numerous times for violating Penal Code section 314. The complainant is an activist for an international movement that advocates for the rights of individuals to appear nude in public. The complainant contends that his appearing nude in public is not a violation of Penal Code section 314 because he does not do anything that can be considered "lewd." Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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

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

FINDINGS OF FACT: The complainant alleged that the Department's enforcement actions against him amount to deliberate harassment and violation of his civil rights. Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/09/08 **DATE OF COMPLETION:** 07/22/09 **PAGE #**1 of 1

SUMMARY OF ALLEGATION #1: The complainant was arrested and cited without cause.

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

FINDINGS OF FACT: The complainant was arrested and issued citations numerous times for violating Penal Code section 314. The complainant is an activist for an international movement that advocates for the rights of individuals to appear nude in public. The complainant contends that his appearing nude in public is not a violation of Penal Code section 314 because he does not do anything that can be considered "lewd." Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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

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

FINDINGS OF FACT: The complainant alleged that the Department's enforcement actions against him amount to deliberate harassment and violation of his civil rights. Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/16/09 **DATE OF COMPLETION**: 07/19/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: 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. It was referred for further investigation to:

Lieutenant Robert Moser
Management Control Division, Rm. 545
San Francisco Police Department
850 Bryant Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/19/09 **DATE OF COMPLETION:** 07/24/09 **PAGE#** 1 of 1

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

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

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

Management Control Division
San Francisco Police Department
850 Bryant Street, Rm. #545
San Francisco, CA 94103

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/11/08 **DATE OF COMPLETION:** 07/22/09 **PAGE #**1 of 1

SUMMARY OF ALLEGATION #1: The complainant was arrested and cited without cause.

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

FINDINGS OF FACT: The complainant was arrested and issued citations numerous times for violating Penal Code section 314. The complainant is an activist for an international movement that advocates for the rights of individuals to appear nude in public. The complainant contends that his appearing nude in public is not a violation of Penal Code section 314 because he does not do anything that can be considered "lewd." Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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

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

FINDINGS OF FACT: The complainant alleged that the Department's enforcement actions against him amount to deliberate harassment and violation of his civil rights. Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/15/08 **DATE OF COMPLETION:** 07/28/09 **PAGE#** 1 of 6

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

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

FINDINGS OF FACT: In his complaint form, the complainant wrote that the officers who were identified in the incident report documenting his arrest as having struck him with their batons used excessive force. The complainant also wrote that he was beaten, kicked and stomped, but did not identify the officers who did this. The complainant stated in his OCC interview that he was walking to a bus stop when officers asked him where he was going. The complainant stated that he did not recall anything that happened after that. The complainant also said he remembered running to the bus stop and hearing someone yell but did not know who they were yelling to and that his next recollection is of being on the ground. The complainant said he did not recall officers yelling at him to stop or running from officers, but that he heard someone yell that the complainant had a gun. The complainant said unidentified officers had their knees on his back and that one officer grasped his throat as someone said that the complainant was swallowing something. The complainant also said that unidentified officers choked him, hit him in the elbow with a baton and struck him in the head with a club or some other object. The complainant said he sustained scrapes to his hands, elbows and knees and was bleeding from the side of his forehead. The complainant also told the OCC that his recollection of this incident was vague.

The complainant's jail medical records document that during his intake screening, he complained of a sore left shoulder sustained during an arrest altercation, but that there was no visible injury. They also document that several hours after his admission, the complainant was placed in a safety cell due to his bizarre behavior. It states that the complainant became combative with a deputy and had a swollen upper lip, possibly from a fight with another inmate. Soon afterwards, the complainant was sent to San Francisco General Hospital due to a high pulse rate, his bizarre behavior and altered mental state and a suspicion that he had ingested drugs. The complainant's San Francisco General Hospital records document a highly elevated heart rate, a small abrasion to the right side of his face and a swollen bottom lip. X-rays revealed no fractures or dislocations of his shoulder. The complainant told medical personnel he had used cocaine the night before.

The officers who arrested the complainant stated that when they ordered the complainant to stop after they saw him jay walk, the complainant ran from them and reached into the rear of his pants. Five additional officers ran towards the complainant. Someone yelled that the complainant had a gun, and one of the assisting officers unsuccessfully attempted to strike the complainant with his baton. Another one of the assisting officers struck the complainant once with his baton in the upper body, but the complainant continued to flee until another one of the assisting officers took him to the ground, where he resisted being handcuffed.

The named officer stated that he and his partner were on foot when they saw one of the arresting officers chasing the complainant, who defied their verbal order to stop and reached to his right waistband with his right hand. The named officer heard someone yell that the complainant had a gun, and struck the complainant once in the upper left arm with his baton. The complainant continued running and the named officer's partner took him to the ground, where the complainant resisted being handcuffed by pulling his arms away and tucking them under his body. The named officer said he used no other force on the complainant.

The named officer's partner and another officer who ran to assist confirmed the named officer's description of the incident and of the force he used. One of the officers identified in the incident report as being present stated that he did not know what force other officers used. Another of the officers identified in the incident report as being present was unavailable for questioning by the OCC. No civilian witnesses were identified.

The complainant gave contradictory accounts of this incident, stating that his recollection was hazy and that he did not recall key elements of the incident. He also told the OCC that he had not taken any drugs on the day of this incident, but told medical personnel that he had consumed cocaine, and had a highly elevated heart rate consistent with having ingested drugs and exhibited bizarre and aggressive behavior in the jail several hours after this arrest. The complainant's medical records do not reflect the injuries he claimed to have received or the force he said officers used. The officers who were present provided consistent descriptions of the force used by the named officer and Communications audio recordings document a frenzied chase of the complainant by officers. The complainant offered no evidence that the named officer used any force other than what is described in the incident report, a single baton strike to the upper body. Given the totality of the circumstances, including the location, time of day, the complainant's size, his flight from officers and a belief by officers that he might have a firearm, the force used by the named officer was proper.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/15/08 **DATE OF COMPLETION:** 07/28/09 **PAGE#** 3 of 6

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

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

FINDINGS OF FACT: In his complaint form, the complainant wrote that he was beaten, kicked and stomped, but did not identify the officers who did this. The complainant stated in his OCC interview that he was walking to a bus stop when officers asked him where he was going. The complainant stated that he did not recall anything that happened after that. The complainant also said he remembered running to the bus stop and hearing someone yell, but did not know who they were yelling to and that his next recollection is of being on the ground. The complainant said he did not recall officers yelling at him to stop or running from officers, but that he heard someone yell that he had a gun. The complainant said unidentified officers had their knees on his back and that one officer grasped his throat as someone said that the complainant was swallowing something. The complainant also said that unidentified officers choked him, hit him in the elbow with a baton and struck him in the head with a club or some other object. The complainant said he sustained scrapes to his hands, elbows and knees and was bleeding from the side of his forehead. The complainant also told the OCC that his recollection of this incident was vague.

The complainant's jail medical records document that during his intake screening, he complained of a sore left shoulder sustained during an arrest altercation, but that there was no visible injury. They also document that several hours after his admission, he was placed in a safety cell due to bizarre behavior. It states that the complainant became combative with a deputy and had a swollen upper lip, possibly from a fight with another inmate. Soon afterwards, the complainant was sent to San Francisco General Hospital due to a high pulse rate, his bizarre behavior and altered mental state and a suspicion that he had ingested drugs. The complainant's San Francisco General Hospital medical records document a highly elevated heart rate, a small abrasion to the right side of his face and a swollen bottom lip. X-rays revealed no fractures or dislocations of his shoulder. The complainant told medical personnel he had used cocaine the night before.

The two officers who arrested the complainant stated that when they ordered the complainant to stop after they saw him jay walk, the complainant ran from them and reached into the rear of his pants. Five additional officers ran towards the complainant. Someone yelled that the complainant had a gun, and one of the assisting officers unsuccessfully attempted to strike the complainant with his baton. Another one of the assisting officers struck the complainant once with his baton in the upper body, but the complainant continued to flee until another one of the assisting officers took him to the ground, where he resisted being handcuffed.

Three of the officers who ran to assist the first two officers stated that the complainant defied orders to stop and reached to his right waist band with his right hand. The officers said they heard someone yell that the complainant had a gun. One of the assisting officers attempted to strike the complainant with his baton as the complainant was running, but missed. Another one of the assisting officers struck the complainant once in the upper left arm with his baton but the complainant continued running. This officer's partner took the complainant to the ground, where the complainant resisted being handcuffed by pulling his arms away and tucking them under his body. They denied that any officer struck the complainant while he was on the ground or grasped his throat. One of the officers identified in the incident report as being present stated that he did not use any force and did not know what force other officers used. The officer identified in the incident report as having swung his baton at the complainant as he ran was unavailable for questioning by the OCC. No civilian witnesses were identified.

The complainant gave contradictory accounts of this incident, especially concerning what force was used and by who, stating that his recollection was hazy and that he did not recall key elements of the incident. He also told the OCC that he had not taken any drugs on the day of this incident, but told medical personnel that he had consumed cocaine. Medical records establish that the complainant had a highly elevated heart rate consistent with having ingested drugs and exhibited bizarre and aggressive behavior in the jail several hours after this arrest. The complainant's medical records do not reflect the injuries he claimed to have received or the force he said officers used. The officers who were present provided consistent descriptions of the force used, and Communications audio recordings document a frenzied chase of the complainant by officers. Due to the complainant's poor and inconsistent recall of this incident and his inability to identify specific officers who used force, there is insufficient evidence to identify the named officers or to prove or disprove the allegation.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/15/08 **DATE OF COMPLETION:** 07/28/09 **PAGE#** 5 of 6

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

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

FINDINGS OF FACT: The complainant stated that he was arrested for jay walking and his money was confiscated by the arresting officer. The money was returned to him when the charge against him was dismissed. The complainant stated that he was walking to a bus stop when officers asked him where he was going. The complainant stated that he did not recall anything that happened after that. The complainant also said he remembered running to the bus stop and hearing someone yell but did not know who they were yelling to and that his next recollection is of being on the ground. The complainant said he did not recall officers yelling at him to stop or running from officers, but that he heard someone yell that he had a gun.

The named officer stated that she and her partner were patrolling on foot in an area with a high level of drugs sales when they saw the complainant jaywalk. When they ordered the complainant to stop, the complainant ran from them and reached into the rear of his pants. Five additional officers ran towards the complainant. Someone yelled that the complainant had a gun, and one of the assisting officers unsuccessfully attempted to strike the complainant with his baton. Another one of the assisting officers struck the complainant once with his baton in the upper body, but the complainant continued to flee until another one of the assisting officers took him to the ground, where he resisted being handcuffed. The named officer stated that following the complainant's arrest, she determined that he had numerous prior arrests for drug sales and was currently on parole for a drug sales conviction. The complainant lived in another city and had a large amount of cash on him. The named officer stated that these factors and the fact that he fled from police and had a large amount of cash on him led her to believe that he could have been involved in narcotics activity, and that she therefore booked his money at the station and issued him a property receipt form. The evidence established that the action complained of was proper.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/15/08 **DATE OF COMPLETION:** 07/28/09 **PAGE#** 6 of 6

SUMMARY OF ALLEGATION #4: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated that during his arrest, he could not describe or identify the officers who choked him, hit him in the elbow with a baton and struck him in the head with a club or some other object. The complainant said he sustained scrapes to his hands, elbows and knees and was bleeding from the side of his forehead, and that he told an unnamed officer at the police station that he was in pain and showed this officer his knees, elbows and hands, but that no action was taken. The complainant also stated that his recollection of this incident was vague, and he gave contradictory descriptions of it to the OCC. The complainant also stated that unknown officers at the police station used chemical spray on him, but his San Francisco County Jail records indicate that sheriff's deputies sprayed him at the jail when he became combative. These records also indicate that several hours after his admission to the jail, the complainant was taken to the hospital due to a highly elevated pulse rate, bizarre behavior and an altered mental state, along with a suspicion that he had ingested drugs. The complainant's Medical Screening Form, completed at the police station, does not document any injury or complaint of pain. The complainant's jail medical records document a complaint of a sore left shoulder from an altercation during his arrest, but do not document complaints or evidence of any other injuries. The complainant's mug shot photograph does not document any injuries. The officers involved in the complainant's arrest and transport to the police station stated that he never complained of pain or of an injury. No other witnesses were identified. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/18/09 **DATE OF COMPLETION**: 07/24/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The off duty officer flashed his badge and threatened the complainant.

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

FINDINGS OF FACT: The complainant requested the complaint be withdrawn.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/29/09 **DATE OF COMPLETION:** 07/30/09 **PAGE#** 1 **of** 1

SUMMARY OF ALLEGATION #1: The officer neglected his duty.

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

FINDINGS OF FACT: The investigation showed that the individual named in the complaint is currently not a sworn member of the San Francisco Police Department. Therefore the individual is not within OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/21/08 **DATE OF COMPLETION:** 07/29/09 **PAGE#** 1 of 2

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 he went to the police station to file assault charges against two employees of a grocery store who wrongfully accused him of stealing and began squeezing and searching his pockets. He also wanted an officer to go to the store to view surveillance videotape before it was recycled. An officer who appeared to be a sergeant told the complainant the police could not do anything, would not take a report, would not provide the complainant with any documentation concerning his complaint against the store employees and did not provide his star number when requested. This officer told the complainant what his name was. A witness officer gave the complainant the star number of the officer he'd been speaking with. When the complainant went to a scheduled mediation session with the officer bearing the name he had been given, the complainant thought this was not the officer he dealt with at the station. The complainant told the Office of Citizen Complaints that the officer at the mediation session looked somewhat like the officer he was complaining about, but was older and much heavier. The complainant's attorney, who was present at the mediation session, told the Office of Citizen Complaints that the officer who appeared there said he had never seen the complainant, and that based on this and on a difference in appearance between the officer at the mediation session and the officer the complainant dealt with at the station, the complainant thought the officer at the mediation session was not the officer he was complaining about. The officer who appeared at the mediation session told the Office of Citizen Complaints that he did not remember having any contact with the complainant at the police station. This officer stated that when he arrived at the mediation session, the complainant stated that he was not the officer the complainant spoke with at the police station. An officer who the complainant identified as witnessing his interaction with the named officer at the police station stated that he did not remember having any contact with the complainant. The captain of the police station polled his officers but was unable to identify the officer who spoke with the complainant. The description that the complainant provided of the officer he spoke with at the station did not match any of the officers known to be on duty at the time of this incident with the exception of the officer who appeared at the mediation. There is insufficient evidence to identify the officer involved or to prove or disprove the allegation.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 07/21/08 **DATE OF COMPLETION:** 07/29/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer made an inappropriate statement and exhibited an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that he went to the police station to file assault charges against two employees of a grocery store who wrongfully accused him of stealing and began squeezing and searching his pockets. He also wanted an officer to go to the store to view surveillance videotape before it was recycled. An officer who appeared to be a sergeant made an inappropriate statement to the complainant and exhibited an inappropriate manner. This officer told the complainant what his name was. A witness officer gave the complainant the name of the officer he'd been speaking with. When the complainant went to a scheduled mediation session with the officer bearing the name he'd been given, the complainant thought this was not the officer he dealt with at the station. The complainant told the Office of Citizen Complaints that the officer at the mediation session looked somewhat like the officer he was complaining about, but was older and much heavier. The complainant's attorney, who was present at the mediation session, told the Office of Citizen Complaints that the officer who appeared there said he had never seen the complainant, and that based on this and on a difference in appearance between the officer at the mediation session and the officer the complainant dealt with at the station, the complainant thought the officer at the mediation session was not the officer he was complaining about. The officer who appeared at the mediation session told the Office of Citizen Complaints that he did not remember having any contact with the complainant at the police station. This officer stated that when he arrived at the mediation session, the complainant stated that he was not the officer the complainant spoke with at the police station. An officer who the complainant identified as witnessing his interaction with the named officer at the police station stated that he did not remember having any contact with the complainant. The captain of the police station polled his officers but was unable to identify the officer who spoke with the complainant. The description that the complainant provided of the officer he spoke with at the station did not match any of the officers known to be on duty at the time of this incident with the exception of the officer who appeared at the mediation. There is insufficient evidence to identify the officer involved or to prove or disprove the allegation.

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DATE OF COMPLAINT: 08/18/08 **DATE OF COMPLETION:** 07/13/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer discharged a weapon at the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officers fired at him for no reason. The investigation proved the officer fired when the complainant fired upon the patrol car and turned the weapon on the officer. The officer's conduct was lawful, proper, and necessary .

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 08/19/08 **DATE OF COMPLETION:** 07/14/09 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that she and several family members and friends were walking along the street when she saw a police officer who may have been wearing civilian clothes pinning a man who appeared to be homeless against a metal fence while telling him to leave the area. The officer punched this man several times, and then entered a marked San Francisco Police Department vehicle. The complainant approached the police vehicle and told the officer that she saw what he did and considered it to be improper use of force. The officer made dismissive remark, and then drove off. The complainant wrote down the vehicle identification number and the vehicle license plate number. Department records indicated that these numbers belong to a marked unit assigned to a police station located one-half block away from the incident location. Neither the San Francisco Police Department station Roster or the Daily Equipment Sign-Out Log for this station indicated which officer used this vehicle that day.

The complainant and her companions provided descriptions of the man they saw struck by the officer. The Office of Citizen Complaints canvassed the area where this incident took place on several occasions attempting to identify and contact this individual, without success.

The Office of Citizen Complaints obtained video footage from a bank ATM machine located twenty to thirty feet from the spot where the incident took place. This footage, which has limited resolution, shows two marked San Francisco Police Department vehicles driving down the alley. The second vehicle stops, and the driver exits and has an interaction with an individual next to a metal fence.

The officer who served as the Station Keeper at the time of this incident stated that the vehicle number the complainant wrote down belongs to an older, spare marked patrol car at that station. This vehicle is not assigned to an active patrol assignment, but is used by a foot-beat officer to reach their assignment or when an officer's regular car is being serviced. The Station Keeper stated that the Daily Equipment Sign-in / Sign Out Log is kept in the station's equipment room, which is next to the business office where he was working. He stated that officers go into the equipment room on their own and log out equipment. Her stated that officers are supposed to sign out vehicles, although he was unaware of any written directive requiring this. He did not recall any officer taking a car without signing it out on the day of this incident.

The officer who was the Acting Platoon Commander in this district at the time of this incident stated that he had no knowledge of an encounter between an officer and a civilian at the location described by the complainant and members of her party. He stated that he did not know which officer, if any, was using the vehicle whose number the complainant noted.

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

An individual seen on the ATM surveillance video footage using the ATM machine was identified by subpoenaing documents from two banks and was interviewed by the Office of Citizen Complaints six months after this incident took place. This witness stated he recalled seeing a confrontation between a police officer and a civilian male at the location identified by the complainant, but did not recall when this happened, whether it was after he had used an ATM machine or whether it was on the date of the incident described by the complainant. This witness stated that he recalled a loud argument and thinks the civilian was yelling at the police officer, who was telling him to leave. This witness stated that he did not see any physical contact between the officer and the civilian.

The Unit Histories of all officers known to be working at this police station on this date were reviewed and their whereabouts at the time of this incident (as noted on the bank ATM surveillance video) were charted in a spreadsheet. None of these Unit Histories contains reference to an encounter at the location of this incident. Over ten officers were assigned to security duties at a hotel where a presidential candidate was appearing that afternoon. The unit histories for four officers indicated that they were at the police station at the time of this incident.

All of the officers known to be working at this police station on the afternoon of this incident were questioned by the Office of Citizen Complaints in person or in writing. All of the officers denied having an encounter with a civilian at the location described by the complainant. All but three of the officers denied driving the vehicle identified by the complainant. Two officers, who were assigned to security duties at the hotel stated that they did not recall driving this vehicle, and a third officer assigned to security duties at the hotel said he did not know whether he drove this vehicle.

The statements of the complainant and four of her companions and the bank ATM surveillance camera footage clearly establish that an officer in a marked police vehicle had an encounter with a male civilian at the end of this alley. The fact that the vehicle identification number and the license plate number noted by the complainant establish that the officer was using a vehicle assigned to this district station. All of the officers who Department records indicate were working at this district station that afternoon denied having such an encounter. The complainant and three of her companions consistently described the officer striking the man he was speaking to in a manner that would clearly constitute unnecessary force. The Office of Citizen Complaints was unable to identify the officer responsible for using unnecessary force primarily because the officer using the vehicle identified by the complainant did not sign it out on the station's Daily Equipment Sign-in / Sign Out Log. Because the investigation was unable to identify the officer, there is insufficient evidence to sustain the allegation.

OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/19/08 **DATE OF COMPLETION:** 07/14/09 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: As stated above, a preponderance of the evidence establishes that an officer whom the Office of Citizen Complaints is unable to identify struck a civilian with his fist. Department regulations require that an officer striking a subject with their fist report the use of force to a supervisor and prepare an incident report. Department records establish that no incident report was prepared concerning this incident, and the statements of the supervisors who were on duty on the afternoon of this incident establish that no use of force was reported. Because the investigation was unable to identify the officer, there is insufficient evidence to sustain the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 08/27/08 **DATE OF COMPLETION**: 07/30/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainants stated that the officer issued a citation without any legitimate reason. The named member stated that he cited one of the complainants using Municipal Police Code Section most suitable to the circumstances of this incident. The named member's supervisor stated to the OCC that the complainant's alleged violation described by the officer in the related report had no connection with the Municipal Police Code section used by the officer in the citation. A subject matter expert (San Francisco Police Department lieutenant) told the OCC that the said Municipal Police Code section could apply to the circumstances of this incident and the officer used it correctly to cite the complainant with the violation described in the police report. There were no other identifiable witnesses to this occurrence. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer acted inappropriately.

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

FINDINGS OF FACT: Three complainants from the same tour bus company stated that the officer acted inappropriately towards them when issuing a citation for soliciting potential customers. The named member denied acting in the alleged manner. A parking control officer from Department of Parking and Traffic supported the named member's statement. An independent witness (tourist from another city) told the OCC that he witnessed the entire contact between the complainants and the officer and he was impressed by the professionalism and restraint shown by this San Francisco Police Department member while being yelled at by the complainants. A preponderance of the evidence proved that the acts alleged in the complaint did not occur.

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DATE OF COMPLAINT: 08/27/08 **DATE OF COMPLETION**: 07/30/09 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainants stated that the officer issued a citation without any legitimate reason. The officer stated that he cited one of the complainants using a Municipal Police Code Section most suitable to the circumstances of this incident. The officer's supervisor stated to the OCC that the complainant's alleged violation described by the officer in the related report had no connection with the Municipal Police Code section used in the citation. A subject matter expert (San Francisco Police Department lieutenant) told the OCC that the said Municipal Police Code section could apply to the circumstances of this incident and the officer used it correctly to cite the complainant with the violation described in the police report. There were no other identifiable witnesses to this occurrence. The OCC found that two senior ranking officers gave conflicting interpretations of the Municipal Police Code Section that was the subject of this complaint. The OCC recommends that the San Francisco Police Department adopt consistent policy on this subject and communicate it to all its members via the Department Bulletin.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/26/08 **DATE OF COMPLETION:** 07/19/09 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officers had a valid search warrant, which allowed them to enter the complainants' residence. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer detained the complainants without cause.

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

FINDINGS OF FACT: The officers had a valid search warrant, which allowed them to detain the complainants. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #3: The officers handcuffed the complainants without justification.

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

FINDINGS OF FACT: The complainants were handcuffed, as they were properly detained during an authorized search of their residence. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #4: The officer searched the complainants' residence without cause.

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

FINDINGS OF FACT: The officer had a valid search warrant to search the complainants' residence. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #5: The officer failed to leave a copy of the search warrant at the complainants' residence.

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

FINDINGS OF FACT: There is no duty to leave a copy of a California warrant at the residence searched. This was a California warrant. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #6: The officers used profanity during this incident.

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

FINDINGS OF FACT: The officers denied this allegation in their statements to Office of Citizen Complaints'. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-2: The officers issued citations without cause.

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

FINDINGS OF FACT: The evidence submitted by the complainant proves that the citations were issued for cause. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #3: The officer acted inappropriately, in that she cracked the complainant's windshield with her baton.

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

FINDINGS OF FACT: The complainant did not provide any evidence of his windshield being cracked, and did not communicate with the Office of Citizen Complaints in response to Office of Citizen Complaints' requests seeking that evidence. The officer denied the allegation. There were no witnesses.

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

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

FINDINGS OF FACT: The complainant stated that the officer stopped and detained him for no reason. The named member stated that he stopped the complainant to investigate a street fight that he had reason to believe the complainant was involved in. Two witnesses identified by the complainant did not respond to the Office of Citizen Complaint's requests for an interview. There were no other identifiable witnesses to this part of the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer choked him by squeezing his esophagus. The named member denied the allegation. There were no other identifiable witnesses to this part of the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer arrested him on false charges. The named member stated that he arrested the complainant for making threats. Two witnesses identified by the complainant did not respond to the OCC's requests for an interview. The statements from three officers, who were involved in the complainant's arrest, were vague and inconclusive. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer "stole" his cell phone. The named member denied the allegation. There were no other witnesses to this part of the complainant's contact with the officer. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 5: The officer acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that he officer challenged him to a fight and even took off the star from his uniform to provoke the complainant. The named member stated that he indeed removed the star from his uniform in order to please and calm down the complainant. According to the officer, this action was, in large part, influenced by the training on Police Crisis Intervention that he had attended at the San Francisco Police Department Academy. The evidence gathered by the Office of Citizen Complaints established that, under the circumstances of this incident, the officer's decision to remove the star from his uniform did not have any reasonable basis, was not consistent with the goals of the San Francisco Police Department training on Police Crisis Intervention and contradicted the Department General Rules of Conduct. The allegation was sustained.

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

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

FINDINGS OF FACT: The complainant stated that the officer made several inappropriate comments. The named member denied the allegation. Two witnesses to the occurrence identified by the complainant did not respond to the Office of Citizen Complaints' requests for an interview. The statements from three other officers involved in the complainant's arrest were vague and inconclusive. There were no other identifiable witnesses to the event. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION # 7: The officer failed to properly supervise.

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

FINDINGS OF FACT: In his report regarding the complainant's arrest, the patrol officer acknowledged removing the department issued star from his uniform during the incident. The named member, who reviewed this report, did not initiate a supervisory investigation or corrective steps. The Office of Citizen Complaints found that the officer's decision to remove the star from his uniform during this contact contradicted the department rules and was not consistent with the San Francisco Police Department training on Police Crisis Intervention. In the Office of Citizen Complaints' interview, the named member stated that, at the time the report was reviewed, he indeed had questions concerning the actions of the arresting officer. According to the named member, he addressed those questions during the meeting with the report-writing officer but he did not recall the details of this discussion. The report-writing officer corroborated to the Office of Citizen Complaints that he discussed his report with the reviewer and answered all questions to the reviewer's satisfaction. There were no other witnesses to this part of the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/11/08 **DATE OF COMPLETION:** 07/28/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was walking down the street with several hundred dollars in cash in his hand when a man asked if he had drugs to sell. The complainant told this man he did not and continued walking. Plainclothes officers approached and took the complainant into custody along with the man who had asked him for drugs. The named officers stated that the complainant was arrested for sale of cocaine base. They stated that they saw the complainant hand another man a small object, and in return this man handed the complainant U.S. currency. When the other man saw the officers, he threw a rock of suspected crack cocaine on the ground. The officers took him and the complainant, who was counting out U.S. currency, into custody, and recovered the rock of suspected crack cocaine from the sidewalk. The officers ran a computer check on the complainant and determined he was on active parole, and were instructed by California Department of Corrections to place a parole hold on the complainant. The man arrested along with the complainant could not be located and interviewed by the OCC. No civilian witnesses were identified. There is insufficient evidence to prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complainant stated that the officer used unnecessary force on him during a strip search. The named officer and a witness officer denied that the officer used the force described by the complainant and stated that the complainant was irate, hostile and resistive during the strip search. The complainant admitted being irate and hostile during the search but denied physically resisting. During his interview with OCC, the complainant contradicted a significant statement he made in his written complaint form. There is insufficient evidence to prove or disprove the allegations.

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SUMMARY OF ALLEGATION #4: The officer conducted a search beyond the scope of authority.

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

FINDINGS OF FACT: The complainant stated that during a strip search, the named officer pressed his ungloved finger against the complainant's rectum. The named officer denied the allegation, and stated that the complainant was uncooperative during the strip search and that he only touched the outer area of the complainant's buttocks in an attempt to separate them. A witness officer stated that the named officer did not touch the complainant near the rectum and that both he and the named officer wore gloves. During his interview with OCC, the complainant contradicted a significant statement he made in his written complaint form. There is insufficient evidence to prove or disprove the allegations.

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 after the named officer conducted a strip search of him, the named officer failed to return his pants to him, and left him handcuffed to a bench in the station holding area partially naked. The named officer stated that the complainant refused to put his clothing back on after a strip search and kicked some of the clothing away from him. When the named officer again placed the complainant's clothing next to him, the complainant continued to shout profanities at him and refused to get dressed. The named officer then handcuffed the complainant to the bench in the holding area. Soon afterwards, the station keeper put the complainant into a cell where the complainant immediately sat on a toilet and flushed it. The station keeper stated that he had no recollection of the complainant. A witness officer stated that immediately after the strip search, he and the named officer held out the complainant's pants for him to step into, but the complainant refused to do this and asked that they remove the handcuffs so he could put on his pants by himself. They told the complainant they would not remove the handcuffs because he was acting in a non-compliant manner throughout the strip search. The witness officer stated that he and the named officer then spoke to their sergeant about obtaining an order for a cavity search, but abandoned those plans when they realized that the station keeper had placed the complainant inside a cell where he had used and flushed the toilet. The complainant confirmed that he asked the officers to let him put his pants back on himself, but denied that the officers held out his pants for him to step into, claiming that they immediately handcuffed him to the bench without his pants. The complainant stated that he did not recall kicking his clothing away from him, but acknowledged it is possible that he did this because he was extremely upset about the named officer's conduct during the strip search. The complainant said he was crying and shaking and acting in an angry and belligerent manner, and had yelled profanities and homosexual slurs at the officers during the strip search. During his interview with OCC, the complainant contradicted a significant statement he made in his written complaint form. Civilian witnesses who were at the station at the time the complainant was there could not be located and contacted by the OCC. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 09/12/08 **DATE OF COMPLETION:** 07/22/09 **PAGE #**1 of 1

SUMMARY OF ALLEGATION #1: The complainant was arrested and cited without cause.

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

FINDINGS OF FACT: The complainant was arrested and issued citations numerous times for violating Penal Code section 314. The complainant is an activist for an international movement that advocates for the rights of individuals to appear nude in public. The complainant contends that his appearing nude in public is not a violation of Penal Code section 314 because he does not do anything that can be considered "lewd." Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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

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

FINDINGS OF FACT: The complainant alleged that the Department's enforcement actions against him amount to deliberate harassment and violation of his civil rights. Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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DATE OF COMPLAINT: 09/15/08 **DATE OF COMPLETION:** 07/22/09 **PAGE #**1 of 1

SUMMARY OF ALLEGATION #1: The complainant was arrested and cited without cause.

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

FINDINGS OF FACT: The complainant was arrested and issued citations numerous times for violating Penal Code section 314. The complainant is an activist for an international movement that advocates for the rights of individuals to appear nude in public. The complainant contends that his appearing nude in public is not a violation of Penal Code section 314 because he does not do anything that can be considered "lewd." Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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

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

FINDINGS OF FACT: The complainant alleged that the Department's enforcement actions against him amount to deliberate harassment and violation of his civil rights. Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINTS: 09/18/08 –12/30/08 **DATE OF COMPLETION**: 07/25/09 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: In this complaint, there are five complainants. For the purposes of identification, they will be identified by number. The officer stated that he cited the complainant for having an unsafe construction worksite. The officer stated the complainant's son moved the lift that was blocking the sidewalk. The officer further stated that this matter was adjudicated at a hearing wherein the complainant's company was fined for its actions. The officer's supervisor provided four photos of the scene. The photos show construction equipment blocking most of the sidewalk as well as the handicapped ramp on the street. The complainant failed to respond to contact attempts by the OCC. The officer's citation was justified.

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

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

FINDINGS OF FACT: In this complaint, there are five complainants. For the purposes of identification, they will be identified by number. The complainant stated that his company was cited for a construction violation committed by another company. The officer stated he cited the complainant for a violation of Traffic Code §194.3(a). He stated that the complainant acknowledged that his construction site was out of compliance when he wrote, "My employee lowered the lift and removed it from the sidewalk and was fully prepared to put up the handrails and kicks plates." The complainant failed to respond to contact attempts by the OCC.

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SUMMARY OF ALLEGATION #3: The officer selectively enforced the law with regards to complainant #2.

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

FINDINGS OF FACT: In this complaint, there are five complainants. For the purposes of identification, they will be identified by number. The officer denied this allegation. He stated that the enforcement program "treats all stakeholders in a lawful and fair manner and is a transparent safety program which has enforced the law in the utmost professional manner." The complainant failed to respond to contact attempts by the OCC.

SUMMARY OF ALLEGATION #4: The officer made inappropriate comments and behaved inappropriately towards complainant #2.

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

FINDINGS of FACT: In this complaint, there are five complainants. For the purposes of identification, they will be identified by number. The complainant alleged the officer called him at home and threatened to arrest the complainant's employee if the citation was not paid. The officer denied threatening to arrest the complainant. He stated he spoke to a representative of the complainant's corporation to explain options for clearing the citation. The complainant failed to respond to contact attempts by the OCC.

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SUMMARY OF ALLEGATION #5: The officer threatened complainant #3.

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

FINDINGS of FACT: In this complaint, there are five complainants. For the purposes of identification, they will be identified by number. The officer stated he never told the complainant that he would have to issue him a citation, because officers have the discretion to cite in these instances. He denied threatening to look for additional violations and denied telling the complainant he would contact the California State Licensing Board to get the complainant's construction license revoked. The officer further stated that the enforcement program has never forwarded any of its 5,000 incidents to the CSLB to ask that a license be revoked. The complainant failed to respond to contact attempts by the OCC.

SUMMARY OF ALLEGATION #6: The officer behaved inappropriately towards complainant #4.

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

FINDINGS of FACT: In this complaint, there are five complainants. For the purposes of identification, they will be identified by number. The officer did not recall having a conversation with the complainant regarding this matter. He stated he has never told anyone that he would report them to the California State Licensing Board. The complainant failed to respond to contact attempts by the OCC.

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SUMMARY OF ALLEGATION #7: The officer cited complainant #5 without cause.

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

FINDINGS OF FACT: In this complaint, there are five complainants. For the purposes of identification, they will be identified by number. The officer provided the OCC with thirteen (13) color photos of the scene as well as a photocopy of the citation. The photos clearly show that the thickness of the plywood covering a hole in the sidewalk posed a danger to pedestrians, especially those with disabilities. The complainant failed to respond to contact attempts by the OCC. The officer's citation was justified.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers had reasonable suspicion to detain the complainant and his passenger based on; the high crime area for drug sales, the complainant's presence in a parked vehicle with another person in the possession of drugs, and the complainant's behavior toward the officers.

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

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

FINDINGS OF FACT: The officers had probable cause to conduct a search of the complainant's vehicle for the instrumentalities of a crime based on having already found a weapon in the vehicle in plain view and having found suspected illegal narcotics in the possession of the complainant's passenger.

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

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

FINDINGS OF FACT: The officers examined the complainant's leg and called the paramedics, who responded to the station, examined the complainant and cleared him. The paramedic's report also documents that the complainant was less than cooperative preventing them from finishing their examination.

SUMMARY OF ALLEGATIONS #8-10: The officers' actions were done with the intention of harassing the complainant.

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

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

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SUMMARY OF ALLEGATION #11: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant refused to cooperate with the officers and be seated in a patrol car for transportation to the station. Verbal commands were ignored. The complainant pulled away from the officer's bent wrist hold and a leg sweep was used. The complainant said he was physically picked up and thrown to the ground causing his leg to break. Other officers who responded to the scene either did not see any force or did not recall the incident. There were no other available witnesses. Paramedics and CPMC Pacific Hospital documents that the complainant suffered from swelling to his knee area and CPMC Pacific Hospital documents a fractured tibia. There is insufficient evidence to reach a definitive finding.

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 complainants without justification.

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

FINDINGS OF FACT: The complainants said they did nothing wrong, just got out of their car to walk to a store. The named officer said that he detained the primary complainant because of a report of drug sales that was broadcast and described the complainants, and that other officers detained the co-complainant. Twelve witness officers denied they were involved in either detention. A witness whose name was provided by the complainant did not return calls from the Office of Citizen Complaints. No other witnesses came forward. The evidence showed that the actions that led to the complaint occurred, however those acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant said the named officer knocked him off his feet, kicked him and lifted him by his neck from the ground when he was handcuffed. The named officer denied the allegation. Nine officers who were identified as being at the scene said they appeared after the detention of the complainant. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant and the co-complainant said an officer searched the co-complainant's car without cause. The named officer acknowledged searching the car visually before transporting it, but said cause existed for the search. Department records indicated that an anonymous caller reported that the complainants were dealing drugs from the co-complainant's car, providing a clear description matching the appearance of the complainants, the car and its license plate. No other witnesses came forward. The evidence showed that the actions that led to the complaint occurred, however those acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant said an officer forced him to take off his pants during a search at Bayview Station without permission or authority. Department records did not record a strip search of the complainant. The twelve officers who were associated with the arrest denied that they strip searched the complainant or saw anyone do so. No other witnesses came forward. There was insufficient evidence to identify the involved officer or to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer failed to properly process evidence.

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

FINDINGS OF FACT: The co-complainant said a female officer removed drugs from her person during a search and said the drugs would be discarded. Department records acknowledged a strip search was conducted with negative results. The named officer acknowledged he requested a strip search but did not complete the search himself. The named officer said he did not speak with the officers who conducted the search to learn its outcome. Two officers who were present during the search said they had observed the search while the other officer conducted the search and gave conflicting accounts of the results of the search. One officer said she did not recall anything about the results of the search and spoke to nobody regarding the search results. One officer present in the search recalled finding drugs and reporting that fact to a supervisor. The supervisor reported knowing of the search, but denied speaking to either of the searching officers about the results. No other witnesses came forward. There was insufficient evidence to identify who was told of the results of the search, or either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer destroyed evidence.

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

FINDINGS OF FACT: The co-complainant said she gave a small package of drugs to a black female officer prior to that officer searching her. Department records show a strip search was conducted with negative results. A black female officer present at the search said a white female officer did the search and removed drugs from the complainant and said she reported the results to a supervisor. A white female officer said the black female officer did the search and denied any recollection of drugs being found. The supervisor approved the search, but denied speaking to either of the searching officers about the results. The reporting officer said he spoke to nobody about the search result. No other witnesses came forward. There was insufficient evidence to identify an involved officer or either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The complainant was arrested and cited without cause.

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

FINDINGS OF FACT: The complainant was arrested and issued citations numerous times for violating Penal Code section 314. The complainant is an activist for an international movement that advocates for the rights of individuals to appear nude in public. The complainant contends that his appearing nude in public is not a violation of Penal Code section 314 because he does not do anything that can be considered "lewd." Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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

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

FINDINGS OF FACT: The complainant alleged that the Department's enforcement actions against him amount to deliberate harassment and violation of his civil rights. Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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SUMMARY OF ALLEGATION #1-2: The officers failed to write an Incident Report.

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

FINDINGS OF FACT: The officers investigated the incident and concluded that no crime had been committed. The Department General Orders require that Incident Reports be written when a crime is committed; a report is not required in other circumstances. The officers stated that the complainant agreed a report would not be written, and that the action the police took was sufficient. There were no witnesses to the complainant's agreement, nor were there witnesses to the alleged assault. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers behaved inappropriately.

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

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

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SUMMARY OF ALLEGATION #1-3: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that officers who arrested him for possession of narcotics paraphernalia and several backup officers were walking him to a nearby police station when he broke away from the officers in an attempt to escape. Officers grabbed him and threw him to the ground, causing a scrape to his forehead and an injury to his knee. The officers raised him to his feet then threw him to the ground again. The complainant said he assumes he sustained a cut to his left wrist from a piece of glass on the sidewalk. The named and witness officers stated that when the complainant broke away and attempted to run, one of the named officers grabbed him and he and the other two named officers assisted him to the ground. They then assisted the complainant to his feet. The officers stated that they did not observe the complainant to have any injuries and he did not complain of pain. The complainant's jail medical records document superficial abrasions to the right knee, a minor square abrasion on the forehead and an abrasion on the left wrist apparently caused by handcuffs. Other medical records state that the complainant complained of swelling and pain with movement in the right knee, of injury to his left wrist, and lower back pain sustained during a scuffle with police three days earlier. X-rays of his right knee indicated that there was no fracture or dislocation of the knee. No civilian witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 4-5: The officer used unnecessary force on the complainant prior to being transported.

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

FINDINGS OF FACT: The complainant stated that officers who arrested him for possession of narcotics paraphernalia and several backup officers were walking him to a nearby police station when he broke away from the officers in an attempt to escape. Officers grabbed him and threw him to the ground. After they lifted him to his feet, several officers threw him into the back seat of a patrol car, causing him to bump his head on the car's window. The named officers stated that as they led the complainant to the patrol car, he shook his hands and body and attempted to run away. In response, they assisted the complainant to the ground to gain control, then carefully guided him into the patrol car. They denied that the complainant's head struck any part of the car. The partner of one of the named officers confirmed the named officers' account. Three witness officers, including one of the arresting officers, stated that they were no longer present when the complainant was placed inside the patrol car. No civilian witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer used inappropriate language to the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer used inappropriate language. The named officer denied the allegation. Witness officers stated that they did not hear any officer use inappropriate language. No civilian witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer applied handcuffs too tightly.

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

FINDINGS OF FACT: The complainant stated that the named officer applied the handcuffs too tightly. The named officer denied the allegation and stated that the complainant never complained of tight handcuffs and that he never observed any injury to the complainant's wrist. Witness officers stated that the complainant never complained of an injury and that they never observed any injury to the complainant's wrist. The complainant's jail medical records document an abrasion to his left wrist. The complainant stated that at one point after he was handcuffed, he broke free from the officers and attempted to escape and was taken to the ground. Although the evidence established that the complainant had a visible injury to one of his wrists, there is insufficient evidence to establish whether this was caused by handcuffs that were applied too tightly or was sustained when the complainant attempted to escape while handcuffed and was taken to the ground. No civilian witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer made inappropriate comments and threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate and threatening comments. The named officer denied the allegation. Witness officers stated that they did not hear any officer make inappropriate or threatening comments. No civilian witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant has a history of arrest for prostitution related offensives. The complainant was walking down the street and she saw the named officer giving a person a citation. The complainant turned and walked in the opposite direction around the block. The complainant stated the officer stopped her and told her to leave the area. The named officer acknowledged that she briefly stopped and detained the complainant who was in the company of another known prostitute. The complainant and the other detained party were admonished per Penal Code section 653.22(a), (not to loiter with the intent to commit prostitution). The complainant left the area after being admonished by the named officer. The witness officer knows the complainant from prior encounters regarding prostitution related offenses in the surrounding areas.

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

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

FINDINGS OF FACT: The complainant stated the named officer told her "go home or you will get a ticket. I am going to drive around the block, if you are still in the area when I come around, you'll be arrested. You are in an area where you should not be." The named officer denied making any threats or any inappropriate comments to the complainant. The officer told the complainant that the area where the detention was made is well known for prostitution related crimes. The witness officer did not hear the named officer make any threatening or inappropriate comments to the complainant. No independent witness came forward during the investigation. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: Two complainants stated they saw one or two officers from a distance strike a known homeless man with their hand and batons for no reason whatsoever. Six other complainants failed respond to OCC requests for an interview. The officers denied the allegation and stated they were conducting a lawful detention of a pedestrian for jaywalking. One officer began the citation process when a homeless man leaned into the driver's window of the patrol car, screaming at the officer inside. The officers said the homeless man prevented the officer from exiting the vehicle and refused numerous orders to back away from the car. The other officer had to abandon the pedestrian detainee in order to pull the man away from the patrol car. A crowd began gathering in the vicinity. Believing the homeless man was about to strike the officer with a guitar, one officer struck the homeless man in the face with a closed fist. The officers stated the officer also had to use his baton during a struggle to gain compliance and restrain the resisting arrestee, who refused to obey lawful orders. There were no other known witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to promptly provide their names and/or star numbers.

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

FINDINGS OF FACT: Two complainants wrote that a few members of the crowd around the arrest asked for the officers' names and star numbers, which were ignored. Only one of these two complainants came forward for the investigation. The officers denied the allegation and stated they provided their names and star numbers to the unruly and vociferous crowd near the end of this incident. There were no other known witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers failed to make a use of force log entry.

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

FINDINGS OF FACT: During the Office of Citizen Complaints' investigation, the officers provided a use of force log copy from the station including an entry for this arrest. S.F.P.D. Legal eventually responded to Office of Citizen Complaints' request for an official department copy of the use of force log with a copy from the district station showing the same entries the officers showed during their interviews. The preponderance of the evidence established that the alleged omission did not occur.

SUMMARY OF OCC ADDED ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer wrote this citation as requested by the arresting officer, under the San Francisco Police Department misdemeanor cite and release policy. However, the complainant was arrested without cause, so the citation was unwarranted. This officer is not sustained on that charge, as he was not the arresting officer, but citing the complainant was not proper. The officer stated he did not witness the probable cause for the arrest, but there were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: A video taken by the complainant, and authenticated by the officer shows the officer as being the aggressor, and using force against the complainant neither necessary nor appropriate. The force appears to have been used as summary punishment for the officer's perceived wrong on the part of the complainant; this is expressly defined as unnecessary force in the Department General Order 5.01. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulation of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The video taken by the complainant shows that he was not doing what the officer alleged in the incident report, arrested and cited him for. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulation of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #4: The officer used profanity when speaking with the complainant.

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

FINDINGS OF FACT: The video taken by the complainant recorded the officer using profanity when talking with the complainant. In his interview, the officer admitted he used profanity. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulation of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force during his detention and arrest. The complainant stated two or three uniformed officers on bicycles tackled him during a buy-bust operation. The accounts provided by the witnesses did not corroborate the account provided by the complainant. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated he received a bloody abrasion to his nose when officers took him to the ground. He said responding officers should have provided him with medical attention. The complainant further stated his pre-existing injury was significantly worsened by the officers' takedown. Witness accounts did not corroborate the statement provided by the complainant. The OCC interviewed the attending San Francisco Jail Medical staff members who treated the complainant at the San Francisco County Jail. Although the complainant had documented injuries, the San Francisco Jail Medical personnel did not recall the complainant or his injuries. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The complainant stated that officers who claimed he sold drugs to and threatened an undercover officer used unnecessary force on him, resulting in one of his front teeth being knocked out. Department records indicate that the complainant had no police contact on the date he indicated, but that he was arrested almost three weeks later for selling drugs to and threatening an undercover officer. The officers who took the complainant into custody on that occasion stated that they did not recall the details of his arrest. Two supervising officers who observed the complainant being taken into custody, along with the undercover buy officer, stated that they did not recall force being used when the complainant was taken into custody and did not recall the complainant having any visible injury. Other officers involved in the buy-bust operation stated that they did not recall the complainant's arrest or were not physically present when it took place. The complainant's jail medical records covering the period of his incarceration after this arrest contain no reference to a missing tooth or an injury to the complainant's mouth. Two homeless civilian witnesses could not be located and contacted by the OCC. There is insufficient evidence to identify an officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made an inappropriate statement to the complainant.

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

FINDINGS OF FACT: The complainant stated that officers who claimed he sold drugs to and threatened an undercover officer arrested him, and that an officer who he could not describe made an inappropriate comment to him. Department records indicate that the complainant had no police contact on the date he indicated, but that he was arrested almost three weeks later for selling drugs to and threatening an undercover officer. The officers who took the complainant into custody on that occasion denied making the inappropriate comment. Two homeless civilian witnesses could not be located and contacted by the OCC. There is insufficient evidence to identify an officer or to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The complainant was arrested and cited without cause.

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

FINDINGS OF FACT: The complainant was arrested and issued citations numerous times for violating Penal Code section 314. The complainant is an activist for an international movement that advocates for the rights of individuals to appear nude in public. The complainant contends that his appearing nude in public is not a violation of Penal Code section 314 because he does not do anything that can be considered "lewd." Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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

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

FINDINGS OF FACT: The complainant alleged that the Department's enforcement actions against him amount to deliberate harassment and violation of his civil rights. Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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

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

FINDINGS OF FACT: Five officers involved or present during parts of the investigation denied the allegation. No other witnesses came forward. There was insufficient evidence to identify an officer who engaged in the alleged behavior 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: 11/21/08 **DATE OF COMPLETION:** 07/27/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The primary complainant declined to be interviewed by the Office of Citizen Complaints. The named officer and one witness officer denied the allegation. The named officer's supervisor at the time of the investigation was retired and no longer available for an interview. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.
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SUMMARY OF ALLEGATION #2: The officer failed to take required actions.

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

FINDINGS OF FACT: The named officer denied not taking required actions, saying that he phoned the complainant several times, that he had updated the investigative file as per Department requirements. The named officer's supervisor at the time of the investigation, and the purported source of information regarding the alleged neglect of duty has retired and not available for an interview. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 08/31/08 **DATE OF COMPLETION:** 07/22/09 **PAGE #**1 of 1

SUMMARY OF ALLEGATION #1: The complainant was arrested and cited without cause.

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

FINDINGS OF FACT: The complainant was arrested and issued citations numerous times for violating Penal Code section 314. The complainant is an activist for an international movement that advocates for the rights of individuals to appear nude in public. The complainant contends that his appearing nude in public is not a violation of Penal Code section 314 because he does not do anything that can be considered "lewd." Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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

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

FINDINGS OF FACT: The complainant alleged that the Department's enforcement actions against him amount to deliberate harassment and violation of his civil rights. Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 09/05/08 **DATE OF COMPLETION:** 07/22/09 **PAGE #**1 of 1

SUMMARY OF ALLEGATION #1: The complainant was arrested and cited without cause.

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

FINDINGS OF FACT: The complainant was arrested and issued citations numerous times for violating Penal Code section 314. The complainant is an activist for an international movement that advocates for the rights of individuals to appear nude in public. The complainant contends that his appearing nude in public is not a violation of Penal Code section 314 because he does not do anything that can be considered "lewd." Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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

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

FINDINGS OF FACT: The complainant alleged that the Department's enforcement actions against him amount to deliberate harassment and violation of his civil rights. Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 08/31/08 **DATE OF COMPLETION:** 07/22/09 **PAGE #**1 of 1

SUMMARY OF ALLEGATION #1: The complainant was arrested and cited without cause.

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

FINDINGS OF FACT: The complainant was arrested and issued citations numerous times for violating Penal Code section 314. The complainant is an activist for an international movement that advocates for the rights of individuals to appear nude in public. The complainant contends that his appearing nude in public is not a violation of Penal Code section 314 because he does not do anything that can be considered "lewd." Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

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

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

FINDINGS OF FACT: The complainant alleged that the Department's enforcement actions against him amount to deliberate harassment and violation of his civil rights. Department training, which is based on POST Learning Domain LD-10, instructs officers in the elements of Penal Code section 314, but does not include examples where the suspect's subjective intentions are to make a statement about nudity *per se.*

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 11/14/08 **DATE OF COMPLETION:** 07/24/09 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to abide by the law.

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

FINDINGS OF FACT: The complainant and his wife said the officer was walking his dog without a leash in an area where signs were posted prohibiting such behavior. The officer denied that his dog did not have a leash. The officer said his dog had a leash but he had let go of the leash when they walked up a big hill. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant and his wife stated the officer identified himself as a police officer and flashed his badge to intimidate them. The officer also asked to see the complainant's identification. The officer stated the complainant got confrontational with him and threatened him with bodily harm. At that point, the officer said he informed the complainant that he was a police officer. The officer said the complainant asked to see his badge because he did not believe he was an officer. The officer said he asked to see the complainant's identification because he had threatened him. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegation.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 11/14/08 **DATE OF COMPLETION:** 07/30/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officers assisted the Daly City Police Department in making a felony traffic stop for an investigation they were conducting. The Daly City Police report corroborates there was an investigation and that the San Francisco Police Department was alerted to the Daly City investigation and request for assistance. Per DGO 5.14 Inter Agency Operations, officers are permitted to assist other agencies to conduct their investigations. The officers detained the complainant and occupants per instructions of the Daly City police investigating officers. DGO 5.03 Investigative Detentions also permits San Francisco police officers to conduct investigative detentions.

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

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

FINDINGS OF FACT: Assistance with the search of the vehicle's trunk was done per the request of Daly City investigating officers. The officers assisted with the search and stated the basis for the search was that a weapon involved in a robbery crime could possibly be located in the car. Per DGO 5.14 Inter Agency Operations, officers are permitted to assist other agencies to conduct their investigations.

OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/14/08 **DATE OF COMPLETION:** 07/30/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #6-7: The officers damaged the complainant's car.

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

FINDINGS OF FACT: The officers denied the allegation and stated they were not aware of any damage to the trunk of the vehicle and did not recall who else assisted in the search of the trunk. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8-9: The officers failed to allow the complainant to take her medications.

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

FINDINGS OF FACT: Per Department Bulletin 07-103 and 09-092 officers are not permitted to allow detainees to take any medications. The officers called an ambulance per the department rules and procedures and on scene medical staff determined that the complainant needed to get evaluated at the hospital in order to take her medication.

OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/18/08 **DATE OF COMPLETION:** 07/22/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant arrived at the scene of a homicide investigation at the request of a family member, who had witnessed the homicide. The traumatized family member requested the complainant to give the family member a ride home. The complainant responded but police, who had arrived at the crime scene, informed witnesses they could not leave until interviewed by homicide investigators. The complainant waited at the scene for more than two hours, and the family member still had not been interviewed. The complainant made inquiry for the delay and expressed other concerns to the officer. Allegedly, the officer yelled, appeared irritated and was demeaning in the officer's explanation to the complainant. Witnesses, who had some association with the complainant, also felt the officer was rude and demeaning; however, other police officers, who had observed part of the interaction between the complainant and the named officer, felt the named officer acted in a professional manner. One officer-witness commended the named officer for actions taken in preventing a large crowd, that had gathered at the scene, from becoming unruly. Because witnesses for both the complainant and the officer are deemed credible, there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer detained a juvenile without cause.

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

FINDINGS OF FACT: The complainant arrived at the scene of a homicide investigation at the request of a juvenile family member, who had witnessed the homicide. The traumatized family member requested the complainant give the family member a ride home. The complainant responded but police, who had arrived at the crime scene, informed witnesses they could not leave until interviewed by homicide investigators. Consequently, the complainant remained at the scene with the juvenile family member. More than four hours had elapsed before the family member was allowed to leave. The complainant alleged there were other viable alternatives rather than forcing the juvenile family member to remain at the scene. However, department policy and a legal opinion obtained indicate witnesses to a homicide can be legally detained until interviewed by investigators. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 11/24/08 **DATE OF COMPLETION:** 07/27/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer misused his authority, in that he disturbed the complainant by using the public address system and air horn in his police car.

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

FINDINGS OF FACT: The officer used the public address system and air horn in his patrol car for a legitimate police purpose. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 11/24/08 **DATE OF COMPLETION:** 07/14/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers drew weapons at the complainant before taking him to San Francisco General Hospital Psychiatric Ward for an involuntary detention.

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

FINDINGS OF FACT: The complainant was having hallucinations at the time of his detention, as he told the Office of Citizen Complaints during his complaint interview. The officers shown in the CAD and the Incident Report were not as numerous as the complainant stated, nor could the officer have used the weaponry the complainant claimed they did. The evidence proves that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 11/25/08 **DATE OF COMPLETION:** 07/29/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant, a residential builder, stated that he went to his construction site after being told that the named officer was there. The complainant stated that the named officer said he was citing him for an unsafe job site but failed to specify what about the job site was unsafe, and the citation he issued only listed non-compliance with a broad traffic code section. The complainant stated that his job site was in compliance with relevant laws and regulations. In his Member Response Form, the named officer did not directly respond to questions about the specific violations he observed at the job site, repeatedly referring to his incident report. The incident report stated that the named officer observed that the path of travel on the sidewalk had been re-directed through scaffolding and had numerous obstructions to pedestrian traffic including a broken uneven sidewalk and a portable toilet, and that areas of the scaffolding were missing the desired number of planks to cover the path. The report also stated that the named officer photographed the area and documented areas of concern. The report states that when the complainant arrived at the scene, the named officer explained numerous potential hazards, emphasizing the nature of the sidewalk. Photographs taken by the named officer at the scene were not attached to the incident report nor did the named officer provide copies of them with his Member Response Form response. The complainant provided OCC with photographs of the sidewalk he said were taken on the date the citation was issued. These photographs depict a path of travel on the sidewalk through scaffolding, showing broken pavement on one side in several spots and cracked and uneven pavement extending across the path of travel in one location and approximately half-way across in another. The named officer's report references obstructions to pedestrian traffic. Applicable city regulations require a four-foot wide clear path of travel on sidewalks but do not specify what constitutes a clear path of travel. Without more specific information concerning the violation(s) present at the complainant's construction site there is insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 11/25/08 **DATE OF COMPLETION:** 07/29/09 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant, a residential builder, stated that he went to his construction site after being told that the named officer was there. The complainant stated that the officer said he was citing him for an unsafe job site but failed to specify what about the job site was unsafe. In his Member Response Form, the named officer stated that when the complainant asked him why he was being cited, the named officer said it was for a San Francisco Traffic Code Violation. The named officer did not directly respond in his Member Response Form to questions about the specific violations he observed at the job site, repeatedly referring to his incident report. The incident report stated that the named officer observed that the path of travel on the sidewalk had been re-directed under scaffolding and had numerous obstructions to pedestrian traffic including a broken uneven sidewalk and a portable toilet, and that areas of the scaffolding were missing the desired number of planks to cover the path. The report also stated that the named officer photographed the area and documented areas of concern. The report states that when the complainant arrived at the scene, the named officer explained numerous potential hazards, emphasizing the nature of the sidewalk. No witnesses to the incident were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 3: The officer exhibited a rude manner.

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

FINDINGS OF FACT: The complainant stated that the officer displayed a rude manner, becoming defensive when the complainant asked him questions. The named officer denied the allegation. In his incident report, the named officer wrote that the complainant became agitated when told he would be receiving a citation. No witnesses to the incident were identified. There is insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 11/24/08 **DATE OF COMPLETION:** 07/14/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer abused his authority.

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

FINDINGS OF FACT: The complainant alleged that the officer did not follow proper procedure in an attempt to retaliate against him for requesting that a citation be removed from his record. The officer denied this allegation, and gave cause for the actions which he performed, showing that he did not abuse his authority. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 12/01/08 **DATE OF COMPLETION:** 07/30/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to respond to interview attempts. The investigation could not be conducted without the complainant's cooperation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/19/08 **DATE OF COMPLETION:** 07/28/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1 & 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 and another man were sharing an open bottle of beer when two officers detained them. At one point during the encounter, the first named officer grabbed and twisted the complainant's hand in a painful manner, and the complainant resisted and tried to pull his hand away. This officer then punched the complainant in the face multiple times. The second named officer also punched the complainant several times, squeezed the complainant's nose and attempted to pour something down his throat. One of the officers punched the complainant on the side of the head when he was on his knees. The complainant sustained a scratch to the side of his nose.

The first named officer stated that the complainant picked up and attempted to drink from the open beer bottle, which the officer took away from him. The complainant made a quick movement with his hand towards his coat pocket, and the first named officer saw a large silver object in that pocket that he believed might be a gun. This officer grabbed the complainant's hand, but the complainant pulled away from him. The second named officer assisted in trying to control the complainant, who continued to resist. The first named officer punched the complainant in the face to help gain control of him. A juice box with a silver colored side was found in the pocket the complainant had been reaching towards and was booked into evidence.

The second named officer stated that he was conducting a warrant check on the complainant when he heard the first named officer yelling for help, and saw him holding onto the complainant's right arm. The second named officer grabbed the complainant's left arm and the three of them fell onto a parked car and rolled onto the ground, where the complainant continued to resist by pulling his arms away from them. The second named officer broadcast a report of a resisting suspect and requested assistance. He and the first named officer were able to handcuff the complainant before backup arrived. The only physical force he saw the first named officer use was grabbing the complainant's arm.

Officers who responded to assist stated that the complainant was in custody and in handcuffs when they arrived on the scene.

Communications document that one of the named officers was running a wants and warrants check on the complainant just before the officers reported having a resisting suspect.

The report of paramedics who examined the complainant at the police station shortly after his arrest states that the complainant had a superficial scratch on the left bridge of his nose but no obstruction, bleeding, swelling or bruising, and that he had no complaint of pain or injury. A photograph of the complainant taken at the police station shows what appears to be a scratch on the left bridge of his nose, Photographs of the complainant taken by OCC three days after his arrest show scabbing extending ¾ of the length of the left bridge of his nose.

No witnesses to the complainant's arrest were identified. There is insufficient evidence to prove or disprove the allegation.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT 12/26/08 **DATE OF COMPLETION:** 07/25/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated his friend went to see what was happening with the intoxicated woman and his friend went to offer her some water. The complainant stated the officer arrested and handcuffed his friend. The complainant went to ask the officer what was he doing and the officer told him "you want to get arrested too. Back off." The witness, a friend and co-worker of the complainant, stated he noticed a woman who was on the ground and having a problem standing up, as she was very drunk. The witness stated a man was trying to help the woman get up but the man was also drunk. The witness stated he walked over to where the woman was and tried to help the woman get up. The witness stated he did not know the man or the woman. The witness stated he saw the named officer push the man down to the ground. The witness told the officer to take it easy. The witness stated there was no communication between him and the officer. The officer handcuffed him. The named officer stated he saw a woman who appeared to be intoxicated sitting on a curb. The officer was concerned for her well being due to her intoxicated state. The officer stated the woman could barely speak and several people attempted to give the woman something to drink. The officer stated he ordered the people to step back. The officer stated he did not recall threatening to arrest anyone. The officer stated he was trying to render aid to the intoxicated woman and more people were attempting to contact the woman. The named officer stated he did order the crowd to "get back." No independent witness came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The named officer stated he observed an intoxicated woman sitting on a curb. The named officer was concerned for the well being of the woman due to her intoxicated state. The officer stated there was large crowd from the nearby bars. The named officer stated he recalled telling people to back off in order to have adequate room and space to attend to the intoxicated woman. The officer stated the woman could barley speak. The officer stated several people were trying to give the woman something to drink and trying to help her stand up. The officer stated he ordered the people to step back, because of the high level of intoxication of the woman and the real danger the woman might fall onto the street and cause serious injury to herself. The officer stated the people contacting the woman had indications that they had been drinking. The officer stated his orders to stay back were ignored by some of the people in the crowd. There were other officers at the scene to maintain order and to ensure medical personnel had access to the intoxicated woman. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 12/26/08 **DATE OF COMPLETION:** 07/25/09 **PAGE#**2 of 2

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

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

FINDINGS OF FACT: The complainant stated he and his friends had exited a bar and noticed two individuals lying on the street in an alleyway. The complainant stated the individuals, a man and woman, appeared to be drunk and the woman was not moving. The complainant stated two of his friends went to where the man and the woman were located. The two friends offered the two individuals some water. The complainant said the named officer pushed the man down to the ground that was trying to walk away from the police officer. The complainant stated one of his friends went to see what was going on and the named officer arrested and handcuffed his friend. The witness said he saw the named officer force the man to the ground and he told the officer to take it easy. The witness stated there was no communication between him and the named officer. The witness said the named officer handcuffed him. The witness stated the named officer did not use any force on him. The named officer stated he observed an intoxicated woman sitting on a curb. The named officer was concerned for the well being of the woman due to her intoxicated state. The officer stated there was a large crowd from the nearby bars. The named officer stated he recalled telling people to back off in order to have adequate room and space to attend to the intoxicated woman. The officer stated the woman could barely speak. The named officer stated he ordered the witness several times to back up. The officer stated the witness did not comply with the lawful orders. The witness became argumentative and was interfering with the efforts to render aid to the intoxicated woman per the named officer. The named officer stated he had legal grounds to arrest the witness for delaying a police officer from duties, but in the interest of justice he turned the witness around and handcuffed him. The witness was taken to county jail where he could sober up. No independent witness came forward during the investigation. There is insufficient evidence to prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant stated his friend went to see what was happening with the intoxicated woman and his friend went to offer her some water. The complainant stated the officer arrested and handcuffed his friend. The complainant went to ask the officer what was he doing and the officer told him “you want to get arrested too. Back off.” The named officer stated he did not recall arresting or citing the complainant. The officer stated he did not know who the complainant was. The named officer stated he did order the witness’s several times to back off. The officer stated the witness did not comply with his lawful orders, but instead became argumentative and was interfering with the efforts to render aid to the intoxicated woman. The officer stated he could smell an odor of an alcoholic beverage emitting from the witness’ person and conjunction of the witness’ hostile attitude and the named officer felt the witness could not care for himself due to his alcohol consumption. The named officer handcuffed the witness and transported him to the county jail, so he could sober up. No independent witness came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

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

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

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

Management Control Division
San Francisco Police Department
850 Bryant Street, Rm. #545
San Francisco, CA 94103

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 01/20/09 **DATE OF COMPLETION:** 07/31/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officer detained him without justification. The officer stated he detained the complainant for smoking in city parks and recreational areas, which the complainant admitted. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged that the officer destroyed his marijuana. The officer denied the allegation. There were no other witnesses that came forward. There was insufficient evidence to either prove or disprove the allegation.

OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/20/09 **DATE OF COMPLETION:** 07/31/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer contacted his parole officer for no apparent reason. The officer stated he contacted the complainant's parole officer to verify the terms of his parole. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 01/28/09 **DATE OF COMPLETION:** 07/08/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant believed the officers had no right to detain him at the scene. The complainant was adamant that he did not strike his mother. There was no dispute the complainant was in a verbal argument with his mother. The officers said they responded to an assault/battery call and conducted a well being check on the complainant's mother at the residence. SFPD records indicated the call was made to dispatch by the complainant's mother who initially reported her son struck her. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer searched him while being detained at the scene. The officer said the complainant was lawfully detained as a battery suspect. The officer stated a cursory search was done on the complainant due to safety to officers and others. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #4-5: The officers used inappropriate and threatening behavior and comments toward the complainant.

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

FINDINGS OF FACT: The complainant said the officers treated him as if he was a suspect. One of the officers threatened to cause bodily injury to him while being detained. The complainant further stated one of the officers looked him straight in the eye, made verbal threats against him, and kicked the side of the police unit the complainant sat in. One of the officers denied witnessing his colleague made verbal threats against the complainant. The witness was inside the residence while the complainant was outside the residence with the officers and could not have heard the alleged statements. There was insufficient evidence to either prove or disprove the allegations made in the complainant.

SUMMARY OF ALLEGATION #6: The officer searched the residence without cause or justification.

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

FINDINGS OF FACT: The complainant said the officer entered the complainant's residence without his permission. The officer said he and other officers responded to the complainant's residence due to his mother's call to dispatch. The officer conducted a well being check and the complainant's mother permitted the officer to enter the residence in which both she and the complainant resided. The witness was the reportee who initially told dispatch her son assaulted her.

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SUMMARY OF ALLEGATIONS #1-2: The officers used force during the contact of the complainant.

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

FINDINGS OF FACT: The complainant stated the officers grabbed him, pushed his face to the pavement and used their boots to stomp him. The named officers deny the allegation made by the complainant. The named officers stated that they never placed the complainant on the ground or used their boots to stomp the complainant. The named officers controlled the complainant's arms and handcuffed him, after the complainant failed to obey their verbal commands to place his hands behind his back. There was insufficient evidence to prove or disprove the allegation made in the complainant.

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

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

FINDINGS OF FACT: The complainant stated he tried waving down and getting the attention of the police officers, who were driving a marked patrol car. The named officers stated as they were driving down the street when they observed the complainant run from the sidewalk onto the middle of the street and in front of their patrol car. The officers drove around the block and returned to the location where they had last saw the complainant. The complainant again ran onto the street and in front of the patrol car. The officers stopped and made an attempt to detain the complainant for a vehicle code (21955 CVC). The complainant ran from the police officers across the street. The officers approached the complainant, who began to yell and scream profanities throughout the encounter. The complainant threw his wallet at the officers and would not obey the verbal commands given to him by the officers. The officers stated the complainant would not place his hands behind his back when ordered. The complainant told the officers he was a congressman and he lived in the federal building. The officers controlled the complainant's arms and handcuffed him. The officers' actions were lawful and proper.

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SUMMARY OF ALLEGATION #5-6: The officers misrepresented the truth regarding the contact.

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

FINDINGS OF FACT: The complainant stated he heard the officer tell the emergency room nurse that he was running into the street. The complainant stated the officers were lying. The named officers deny the allegation made by the complainant. The officers stated they did not lie to medical staff at the hospital or on the 72-Hour Evaluation and Treatment Application that was completed at the hospital, regarding the complainant. The officers stated they transported the complainant to the hospital and completed the 72-Hour Evaluation Application because the complainant was considered a danger to himself and others. The officers stated they had seen the complainant running into the street and the complainant's actions, being extremely agitated. The complainant's medical records recorded on the date of incident document that the admitting medical doctor's observation of the complainant when he was brought in, was that the complainant was in an unstable condition and in acute psychosis. The physical examination doctor's clinical impression of the complainant when examined, was that the complainant was in an acute stress reaction and combative behavior. The evidence proved that the acts, which provided the basis for the allegations, occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that after her boyfriend was arrested in front of the residence, several officers came inside and searched the house without a warrant or consent. When questioned about the incident in writing, one of the involved officers admitted entering the complainant's residence and searching it for weapons and contraband. At his OCC interview, the same officer gave a different rationale for his actions, i.e. the inspection of the house was actually a "protective sweep" intended to locate additional suspects and check on well-being of a young female with a little baby. The first rationale for the entry and search of the house fell short of the necessary legal requirements: the officers needed a warrant for those actions, which they did not have. The second rationale offered by the officer at his OCC interview could have been acceptable under the theory of the exigent circumstances and in this scenario the warrant was not required. The officer claimed that the difference between his written and oral statements was merely in "semantics" and that the confusion might have occurred because English was his second language. The OCC did not find such explanations convincing and did not accept the officer's second rationale for the entry and search of the complainant's residence. The allegation against him was sustained. The available evidence was insufficient to identify and question other members, who participated in the said actions.

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

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

FINDINGS OF FACT: The complainant stated that after her boyfriend was arrested in front of the residence, several officers came inside and searched the house without a warrant or consent. The complainant provided limited description of the officers, who participated in the said action. The available evidence was insufficient to identify and question all members involved in the alleged misconduct. The evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS # 3-4: The officers used excessive force against the complainant's boyfriend.

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

FINDINGS OF FACT: Two complainants in this case stated that several officers were kicking and kneeing their boyfriend/brother during the arrest for no reason. The named members denied using excessive force but acknowledged in the related report using knee strikes in order to overcome the arrestee's physical resistance. The complainants' statements lacked consistency and credibility. One potential witness did not respond to numerous OCC's requests for an interview. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: Two complainants in this case stated that, at various stages of the incident an officer used unnecessary force against them. Five officers questioned in connection with this incident denied the alleged misconduct. The complainants' statements lacked consistency, credibility and sufficient descriptive information concerning the involved officers. One potential witness did not respond to numerous OCC's requests for an interview. No other witnesses came forward. The available evidence was insufficient to identify the officer(s) responsible for the alleged misconduct or to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated that there was no merit to the complainant's report as there was no physical contact. The complainant admitted there was no physical contact. The video demonstrates there was no physical contact, in addition, it is unclear if the bus lunged toward the complainant when the bus moved and stopped, as it does not capture where the complainant was standing at the time. The complainant's wife did not witness the incident. The investigation showed that pursuant to Department General Orders 1.03(s), the officer was not required to write an incident report. The officer actions were proper.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The comments and behavior of the officer were inappropriate.

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

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

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

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

FINDINGS OF FACT: The officer denied the allegation of asking the complainant to sign the citation without the violations or failing to explain to the complainant how to resolve the violations. There were conflicting statements regarding the correctable violation boxes. There were no other witnesses who could verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to make the required traffic stop data entry.

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

FINDINGS OF FACT: The officer said he completed the traffic stop data entry sometime that week along with a week's worth of entries from a Traffic Enforcement Company ICAD terminal. San Francisco Police Department's Technology Division conducted an audit for the officer's entry without success. The evidence established the officer failed to enter the data electronically into the ICAD terminal using the E585 mask as mandated by Department Bulletin No.07-049.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer issued the complainant several citations over a period of time for drinking alcoholic beverages in a public park. These infractions were in violation of the Municipal Code. The complainant admitted drinking beer in the park on some occasions but not others. The complainant feels that since he is discreet in drinking beer, he should not be cited. The officer stated that on each occasion for which he cited the complainant, the complainant was drinking an alcoholic beverage, namely beer, disguised in brown paper bags, water bottles, leather water bags, coffee cups, etc., to make it appear the complainant was drinking a non-alcoholic beverage. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: Selectively enforced the law.

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

FINDINGS OF FACT: The officer issued the complainant several citations over a period of time for drinking alcoholic beverages in a public park. These infractions were in violation of the Municipal Code. The complainant admitted drinking beer in the park on some occasions but not others. The complainant further alleged the officer does not cite other park visitors for the same violation and committing violations of other park rules. Examination of the officers work history revealed the officer cited other individuals. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The officer issued the complainant several citations over a period of time for drinking alcoholic beverages in a public park. These infractions were in violation of the Municipal Code. The complainant admitted drinking beer in the park on some occasions but not others. The complainant said the officer poured the complainant's non-alcoholic drink out of the container and forced the complainant to leave the park after being cited. The complainant said the officer does not cite other park visitors for the same and other park violations. The officer said the complainant was drinking alcoholic beverages on each of the occasions for which the complainant was cited. The officer admitted to properly disposing the alcoholic beverage, but denied making the complainant leave the park after he issued the complainant a citation for each incident. No witnesses were identified or developed. Evidence revealed the officer cited other individuals for committing infractions of park rules. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT: