

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/29/05 **DATE OF COMPLETION:** 08/31/05 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant raises matters outside of OCC's jurisdiction

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-3: The officers unlawfully searched the complainant's garage.

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

FINDINGS OF FACT: The complainant stated the inspectors searched his garage without his consent or a warrant. The inspectors admitted that they knelt down and peered through a small vent near the bottom of the closed garage door with the aid of a flashlight. One inspector admitted, however, that he felt he could not get a search warrant written on the basis that the car may have been there without further facts. The inspector felt he would have had to investigate first and then go back and write a warrant, but in his mind, he said he did not need to do that because the exigency was that the car could have been moved. The inspectors did not have a warrant to search the garage and did not seek one per DGO 5.16. There was no exception to the Fourth Amendment warrant requirement. The officer's search of the complainant's private area was unreasonable.

SUMMARY OF ALLEGATION #4-6: The officers unlawfully entered the complainant's garage.

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

FINDINGS OF FACT: The complainant stated the officers entered his garage without his consent and without a warrant. He stated his garage was locked and he believes the inspectors picked the lock because there was no damage to the lock and door. The inspectors denied the allegation. They stated they did not have a warrant but there was an exigency because the vehicle was mobile and they entered the garage and seized the vehicle to prevent the complainant from damaging the car. However, there was no exigency preventing the officers from obtaining a search warrant either before or after speaking to the complainant. The inspectors did not have probable cause to enter the garage without a warrant and did not pursue one per DGO 5.16.

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SUMMARY OF ALLEGATION #7-9: The officers unlawfully seized a vehicle.

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

FINDINGS OF FACT: The complainant stated the inspectors seized the vehicle from his garage without a search warrant. The inspectors' search and entry of complainant's garage was unlawful; therefore, the seizure of the vehicle was unreasonable.

SUMMARY OF ALLEGATION #10-13: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the inspectors were looking into the garage with a flashlight and telling complainant to either cooperate or go to jail. Also, the complainant called police and a sergeant who responded twice did not even talk to him at all. The officers denied the allegation. The sergeant assumed that the complainant was the complainant's roommate because she was the one talking to him about the incident. The complainant's roommate did not respond for an interview. There were no other witnesses.

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SUMMARY OF ALLEGATION #1: The officer used unnecessary force during the arrest of the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. 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 & 2: The officers failed to accept a private person's arrest.

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

FINDINGS OF FACT: The complainant stated that he summoned the officers to resolve a dispute over a television set at the hotel from which he had been evicted. The complainant stated that he told the officers that he wished to make a citizen's arrest of the hotel manager for theft of his television, but that the officers took no action. The hotel manager and his superior stated that they heard the complainant say that he wanted the manager arrested. The officers denied that the complainant asked for a citizen's arrest. A police supervisor who responded stated that the complainant never asked for a citizen's arrest. Under current Department regulations, an officer is not obligated to accept a citizen's arrest if there is no probable cause or reasonable suspicion to believe that a crime has occurred. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 3 & 4: The officers made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that he summoned the officers to resolve a dispute over a television set at the hotel from which he had been evicted. The complainant stated that he showed the officers a receipt for the television, but that they told him that it did not include the serial numbers. The complainant also stated that the officers admonished him not to return to the hotel. The officers stated that they told the complainant that the numbers listed on his receipt were Universal Product Code numbers and not the serial number for that specific TV set. The officers stated that they told the complainant that they would book the TV set for safekeeping, and that if he could obtain documentation proving that it belonged to him, he could retrieve it at the police station. The officers stated that the hotel manager told them that the complainant had been evicted and was not allowed on the premises, and that they informed the complainant of this and admonished him to stay off the premises. The hotel manager confirmed these statements, and stated that the complainant refused to accept what the officers said about the TV set and became loud and argumentative. The manager stated that the officers were extremely patient and professional with the complainant. The evidence proved that the officers made the statements described by the complainant, but that their actions were proper.

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SUMMARY OF ALLEGATION # 5 & 6: The officers ran a wants and warrants check on the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he summoned the officers to resolve a dispute over a television set at the hotel from which he had been evicted. The complainant stated that the officers obtained his identification and ran a wants and warrants check on him, but did not run such a check on the hotel manager who the complainant accused of stealing his TV set. The named officers stated that because neither the complainant nor the hotel could prove ownership of the TV, they booked it as property for safekeeping. The officers stated that they ran a check on the complainant because hotel management told them that the complainant had been evicted from the hotel but kept returning there, and they wanted to determine whether a stay-away order had been issued against the complainant. The evidence established that the officers' actions were proper.

SUMMARY OF ALLEGATION #7: The officer acted in a retaliatory manner towards the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer failed to accept his citizen's arrest, made inappropriate comments and exhibited inappropriate behavior because of a prior encounter. The complainant was vague in describing this prior encounter. The named officer stated that he did not recall any previous contact with the complainant. Two witnesses stated that the officers were extremely patient and professional with the complainant.

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SUMMARY OF ALLEGATION #8: The officer failed to accept a private person's arrest.

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

FINDINGS OF FACT: The complainant stated that he summoned officers to resolve a dispute over a television set at the hotel from which he had been evicted. The complainant stated that he told the officers and their supervisor that he wished to make a citizen's arrest of the hotel manager for theft of his television, but that the officers took no action. The hotel manager and his superior stated that they heard the complainant say that he wanted the manager arrested. The named and witness officers denied that the complainant asked for a citizen's arrest. Under current Department regulations, an officer is not obligated to accept a citizen's arrest if there is no probable cause or reasonable suspicion to believe that a crime has occurred. 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 failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officer failed to “advise” him following an accident, and that the officer failed to gather information to prepare an accident report. The complainant had no visible injuries and did not complain of pain. Communications records state that a witness told the dispatcher that the complainant was fine and refused medical attention. One witness stated that the officer investigated the incident and also stated that the complainant did not ask the officer for an accident report. A second witness stated that the complainant did not ask the officer for a report and stated that the officer was helpful to the complainant. The officer stated he interviewed the involved parties, and inquired about witnesses and injuries. He stated that he determined that the accident was a minor, non-injury accident. He stated that he offered to make a report if the complainant subsequently learned he was injured. Under Department General Order 9.02, the officer had no duty to prepare an accident report where there are no injuries. The officer had no duty to advise the complainant on legal steps to take against the driver of the vehicle.

SUMMARY OF ALLEGATION #2: The officer behaved in an unprofessional manner.

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

FINDINGS OF FACT: The complainant alleged that the officer was sarcastic and dismissive in tone. Two witnesses stated that the officer was not sarcastic, and stated that the officer was very professional and polite towards the complainant. Both witnesses stated that the complainant was highly emotional and he had to be calmed down. The officer denied being sarcastic and stated that it was the complainant who was angry, emotional, unreasonable and sarcastic. The allegation is unfounded.

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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 acknowledged that he jumped over a police barrier but said he was not aware it was prohibited. Witnesses testified that the complainant went over the barrier. A preponderance of the evidence established that the officer had sufficient reason to detain the complainant .

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

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

FINDINGS OF FACT: The officers stated that they handcuffed the complainant because he had grabbed one officer and was struggling to get up after being placed on the ground. The complainant acknowledged that he grabbed the officer and lifted his head from the ground but said that he was just trying to keep his balance by holding onto the officer and that he lifted his head because parts of his costume were digging into his cheek. The officers were entitled to take action based on actions by the complainant that they observed at the time. Civilian witnesses also observed the complainant grab the officer's clothing or arm and said he appeared to be trying to get free. A preponderance of the evidence established that the officers were justified in handcuffing the complainant based on the complainant's actions.

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

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

FINDINGS OF FACT: The complainant stated that the officer grabbed him, forced him to the ground, and repeatedly slammed his head to the ground while applying pressure to his back. He denied that he was trying to assault the officer or resist, stating that he grabbed onto the officer at one point to keep from falling, and lifted his head up because parts of his costume pushed into his skin when his face was pressed to the ground. The co-complainant stated that the officer beat and kicked the complainant while he was on the ground. The complainant denied that he was struck or kicked. Various civilian witnesses described, in conflicting detail, what they observed. One witness stated that the officer beat the complainant with a stick while he was on the ground. The officers who arrested the complainant stated that complainant was brought to the ground twice using Department-approved takedown procedures and denied that the named officer or any officer repeatedly pressed the complainant's face to the ground. The named officer stated that, under the circumstances, he applied a minimum of force and only used it because the complainant came toward him, grabbed him, and attempted to get free. The complainant failed to respond to OCC requests for consent to gather his medical records so no medical evidence was obtained regarding any injuries. The evidence was insufficiently clear and the testimony too conflicting to prove or disprove by a preponderance whether the force used by the officer was justified and appropriate..

SUMMARY OF ALLEGATION #5: The officer used profanity to the co-complainant.

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

FINDINGS OF FACT: The investigation failed to establish the identity of an officer alleged to have used profanity to the co-complainant. No witnesses said they heard the officer use the profanity to the co-complainant, although one witness stated that another officer directed the same profanity to her. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer's comments and behavior were inappropriate.

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

FINDINGS OF FACT: The named officer denied the alleged comments and behavior. Other officers denied hearing or seeing the comments or behavior. There were no civilian witnesses able to corroborate the allegation. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer misrepresented the truth to the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated that the officer responded to her request for his badge number and name with a number and name she later learned to be false. The officer denied hearing her request or making any response. There were no civilian witnesses able to corroborate the co-complainant's allegation. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant acknowledged that he grabbed the officer and that he raised his head when the officer placed him on the ground, although he said he was just trying to keep his balance and to keep parts of his costume from digging into his face. He denied that his intent was to assault the officer or get up from the ground where he had been put. The officer stated that he arrested the complainant for battery, because the complainant grabbed his collar, and for resisting, because the complainant tried to get up and to get away. Civilian witnesses, though contradictory in some details, confirmed that the complainant grabbed the officer and raised his head up when the officer put him on the ground. One civilian witness confirmed that the complainant appeared to be trying to get free of the officer. A preponderance of the evidence established that the actions of the complainant, regardless of his intentions, gave the officer cause for the arrest.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer effected a traffic stop without cause.

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

FINDINGS OF FACT: The complainant failed to provide required information to aide in the investigation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers improperly used Departmental property.

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

FINDINGS OF FACT: By their own admission, the officers failed to use Department equipment according to Department Policies and Procedures. They gave three female civilians an unauthorized ride to a party, and conducted computer checks of two of the three women without authorization. The evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATIONS #3-4: The officers transported females without notifying dispatch.

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

FINDINGS OF FACT: The officers denied the allegation. However, the investigation revealed that Dispatch Records failed to show any broadcast by the officers advising dispatch they had three female civilians in the vehicle, with no beginning or ending mileage. The evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #5-6: The officers failed to maintain attention to their duties.

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

FINDINGS OF FACT: The officers' admitted they drove three female civilians to a location outside of their district, without notifying their superiors or dispatch. Departmental General Orders require the officers to "devote their entire time to the achievement of this mission." This DGO precludes the officers' explanation for giving rides to the civilians as part of their assigned duties. The evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer threatened to shoot the complainant's dog without justification.

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

FINDINGS OF FACT: The complainant's version and the officer's version of what happened differed. Both the complainant and the officer agreed that while conducting an investigation, the officer dropped some items from his pocket. The complainant and officer differed as to what occurred afterwards. The complainant stated that when the officer bent down to retrieve the items, the complainant's dog approached the officer and the items to sniff at them and the officer wrongfully threatened to shoot the dog. The officer denied the allegation, stating that when he sought to retrieve his belongings, the dog lunged at him. The officer stated that he told the complainant to hold on to his dog, who was allegedly unleashed at the time. The officer then sought to recoup his belongings again, whereupon the complainant's dog allegedly lunged at him again. At that time the officer stated to the complainant that if he did not hold onto his dog he would "shoot if he had to. The OCC attempted to contact the witnesses, but was unable to. The OCC queried other responding officers to the scene, who claimed not to recall the incident. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATIONS #2-3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that he was attacked by his dog's previous owner along with the previous owner's alleged accomplices. The named officer responded to the scene and investigated the incident. The complainant stated he asked the officer to investigate, and alleged that the named officer failed to take down information about the assault. The officer denied the allegation, stating that he was never informed about an assault, only a verbal confrontation between the complainant and his dog's first owner. The OCC learned in its investigation that other officers responded and spoke to the complainant's alleged assailants in addition to the officer identified by the complainant, The OCC sought to contact the complainant's alleged assailant, but was unable to locate him or his companion. There were no witnesses. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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

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

FINDINGS OF FACT: The officer said that the complainant was interfering with a police action by failing to get out of the street. The officer said the complainant was impeding the flow of traffic, including patrol cars and a municipal bus. The complainant admitted to being in the street but said he was there out of necessity to protect a friend, and was not interfering with the police or disrupting traffic. Other officers on the scene denied witnessing the interaction between the named member and the complainant. No other witnesses were available. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The complainant said the officer grabbed him, pushed him against a car and told him, "Don't say another word." The officer denied making the alleged comment. Other officers on the scene denied hearing the alleged comment. No other witnesses were available. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer said that the complainant was interfering with a police action by failing to get out of the street, impeding the flow of traffic, and failing to follow officer's orders. The complainant admitted to being in the street but said he was there out of necessity to protect a friend, and when the officer told him to get out of the street he was unable to immediately do so because his exit was blocked. Other officers on the scene denied witnessing the interaction between the named member and the complainant. No other witnesses were available. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer said that the complainant was interfering with a police action by failing to get out of the street, impeding the flow of traffic, and failing to follow officer's orders. The complainant admitted to being in the street but said he was there out of necessity to protect a friend, and when the officer told him to get out of the street he was unable to immediately do so because his exit was blocked. Other officers on the scene denied witnessing the interaction between the named member and the complainant. No other witnesses were available. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATIONS #5 and 6: The officers made inappropriate comments.

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

FINDINGS OF FACT: While being detained, the complainant said the named member and unidentified officers made inappropriate comments. The named member denied making the alleged comments or hearing any officer do so. The investigation was unable to identify the officer. Interviewed officers denied making or hearing the alleged comments. There were no other identified witnesses.

SUMMARY OF ALLEGATIONS #7 and 8: The officers used unnecessary force against the complainant.

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

FINDINGS OF FACT: The complainant said the officer used unnecessary force when he grabbed him, twisted his arm behind his back and slammed him into a patrol car. The complainant said he also witnessed an unidentified officer use unnecessary force against his son who was a by-stander at the time. The named member denied using any force to take the complainant into custody. Officers on the scene denied witnessing the named member use force, denied pushing any by-stander and denied seeing any other officer push a by-stander. The investigation was unable to identify the unknown officer. There were no other known or available witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #9: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The complainant denied committing any of the acts for which he was cited. The officer stated that he witnessed the complainant commit the acts for which he was cited. Officers on the scene denied witnessing the contact between the named member and the complainant. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #10: The officer drove in an improper manner.

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

FINDINGS OF FACT: The complainant said that a patrol unit at the scene drove in a reckless manner. Officers interviewed from the scene denied driving in the alleged manner and denied witnessing any other officer do so. There were no other available or identified witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #11: The officer made racially biased comments.

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

FINDINGS OF FACT: The complainant said that while being transported to the station the transporting officer made racially biased comments. The officer denied the allegation. There were no witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #12: The officer failed to receive a citizen's complaint.

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

FINDINGS OF FACT: The complainant stated that the named officer did not provide him with a complaint form in a timely manner. The officer did not recall the incident. A witness's description of the offending officer did not match that of the named officer. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The named officers stated that they detained the complainant's friend for an expired registration tag on his vehicle. The Communications records showed that the vehicle in question did not have valid registration at the time of this incident. The officers' decision to detain the complainant's friend, who was the driver of the vehicle, for further investigation was justified.

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

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

FINDINGS OF FACT: The named members stated that they detained the complainant for interfering with their investigation concerning an expired registration tag on the vehicle driven by the complainant's friend. The statements from the complainant, his friend and both officers were inconsistent and contradictory. The complainant and his friend did not respond to the numerous OCC's requests for a follow-up interview. There were no other identifiable witnesses to this police contact. The available evidence was insufficient to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named members stated that they handcuffed the complainant while he was detained for interfering with their investigation. The statements from the complainant, his friend and both officers were inconsistent and contradictory. The complainant and his friend did not respond to the numerous OCC's requests for a follow-up interview. There were no other identifiable witnesses to this police contact. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer searched the complainant's friend without justification.

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

FINDINGS OF FACT: The complainant alleged that the officer searched his friend's pockets and wallet. The complainant's friend, in essence, supported this statement. The named officer stated that he merely patted down the complainant's friend for weapons. The second officer supported his partner's statement. The complainant and his friend did not respond to numerous OCC's requests for a follow-up interview. There were no other identifiable witnesses to this police contact. The available evidence was insufficient to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named members denied the allegation. The statements from the complainant, his friend and from both officers were inconclusive and contradictory. The complainant and his friend did not respond to numerous OCC's requests for a follow-up interview. There were no other identifiable witnesses to this police contact. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer used excessive force against the complainant.

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

FINDINGS OF FACT: The complainant alleged that one of the officers involved in this police contact struck him on the head with an object. The complainant's friend stated that he did not see the alleged blow to the complainant's head but only heard the sound of it. Both officers denied hitting the complainant at any time either with a hand or with an object. Examination of the complainant's head by the paramedics within an hour after the incident did not show any signs of the alleged blow to the head. There were no other witnesses to this police contact. The available evidence was insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #11-12: The officers failed to issue Certificates of Release.

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

FINDINGS OF FACT: The complainant and his friend stated that the officers did not give them any paperwork documenting the detention at the scene of the incident. The named members stated that they, actually, wrote and gave the complainant and his friend Certificates of Release while still at the scene of the incident. The officers' report contained copies of the Certificates of Release for both, complainant and his friend, and the listed period of their detention was consistent with the timeframe of this incident. The complainant and his friend did not respond to numerous OCC's requests for a follow-up interview. The available evidence shows that Certificates of Release were prepared and documented.

SUMMARY OF ALLEGATION #13: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The named officer stated that she placed the complainant under arrest for an outstanding warrant. In his OCC interview, the complainant acknowledged that, at the time of this incident, he indeed had an outstanding warrant. The officer's decision to place him under arrest during this incident was proper.

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SUMMARY OF ALLEGATION #14: The officer took the complainant's laptop computer without justification.

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

FINDINGS OF FACT: The complainant stated that the officer took from him a laptop computer that had been given to the complainant by a friend. The named member stated that, at the time of the incident, the laptop was lying on the ground and the complainant told the officer that he did not know whose computer it was. There were no other identifiable witnesses to this police contact. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #15: The officer failed to issue a property receipt.

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

FINDINGS OF FACT: The complainant stated that the officer took from him a laptop computer but did not issue a receipt. The named member stated that she picked up this laptop from the ground and the complainant told her that he did not know whose computer it was. The officer acknowledged that she did not issue a property receipt but only entered the laptop number in the related police report because the property receipt is issued to the owner of the property. There were not other identifiable witnesses to this police contact. The available evidence was insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to properly document use of force.

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

FINDINGS OF FACT: The complainant stated that one of the officers struck him on the head with a pistol or a flashlight. The complainant's friend stated that he did not see the strike but heard the sound of it. The named members stated that they did not make any entry in the station Use of Force log because the complainant was never struck either with a hand or an object. Both, the complainant and his friend acknowledged that examination of the complainant's head by the paramedics within an hour after the incident did not show any signs of the alleged strike to the head. There were no other identifiable witnesses to the incident. The available evidence was insufficient to determine whether the complainant was indeed struck in the alleged manner.

SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant and his friend stated that the report failed to reflect unnecessary force and inappropriate police conduct. The named member stated that his report accurately described the events of this incident. The officer's partner supported this statement. The complainant and his friend did not respond to numerous OCC's requests for a follow-up interview. There were no other identifiable witnesses to this police contact. The available evidence was insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4-5: The officers falsified police documents.

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

FINDINGS OF FACT: The complainant and his friend stated that the officers never gave them Certificates of Release for detention at the scene of this incident but wrote and back timed them when the complainant came to the station to file this complaint. The officers' report contained copies of the said Certificates with the listed detention time consistent with the time frame of this incident. The named members stated that they indeed wrote and gave the said Certificates to the complainant and to his friend while all of them were still at the scene of the incident. The officers denied writing those documents after this complaint was filed. The available evidence was sufficient to determine when the Certificates of Release for the detention of the complainant and his friend were issued.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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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 that although he had proof of insurance, the officer cited him for not having proof of insurance. The officer denied the allegation and said that the complainant did not have proof of insurance. A civilian witness could not recall any discussions about proof of insurance. The officer's partner could not recall the incident in question. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately toward the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. A civilian witness statement was inconsistent with that of the complainant's. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation

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

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

FINDINGS OF FACT: The officer denied the allegation. A civilian witness corroborated the complainant's allegation against the officer. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper. The allegation is sustained.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used profane language toward the complainant.

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

FINDINGS OF FACT: The named officer denied the allegation. Four witness officers denied hearing the alleged comments, or said they were not present during the arrest by the named officer. Another witness to the arrest denied hearing any profanity used by an officer, but that witness did not see the entire interaction between the complainant and the officer. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made a sexually derogatory remark.

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

FINDINGS OF FACT: The named officer and four witness officers denied the allegation. Another witness did not see the entire interaction. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer used excessive force during an arrest.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he used no force. Two witness officers denied seeing any force used. One witness officer said he did not recall if he saw any force used by the named officer. One witness officer said that he was not present. Another witness, whom the complainant said was present during the arrest, denied seeing the named officer or any other officer use force, but he did not witness the entire interaction. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer threatened the complainant.

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

FINDINGS OF FACT: The named officer and four witness officers denied the allegation. Another witness who was present denied hearing a threat issued by the named officer, but the witness did not observe the entire interaction. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer wrote an inaccurate Incident Report.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that the Incident Report accurately reflected the amount of drugs purchased from the complainant. One witness officer said he did not see the drugs. There were no other witnesses who could attest to the accuracy of the report. The investigation failed to disclose sufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer cited the complainant for expired registration and driving with suspended license without cause.

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

FINDINGS OF FACT: The named member stated that he cited the complainant for these violations because a computer check during the traffic stop revealed that the registration on complainant's vehicle had expired and that the complainant's driver license had been suspended. The Communications records showed that, at the time of the incident, the complainant's driver license was indeed suspended and the registration on her vehicle had, in fact, expired. The officer's decision to cite the complainant for these violations was justified and proper.

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

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

FINDINGS OF FACT: The named member denied making the comments attributed to him by the complainant and/or acting in the manner described by the complainant. Another officer present at the scene at the time stated that she did not hear the complainant's conversation with the named member and she did not see the officer in the alleged manner. A civilian witness stated that she did not pay attention to the officer's behavior and she did not hear his conversation with the complainant. The complainant's sister, who was also present during the incident, is unavailable for an Office of Citizen Complaints interview. The available evidence was insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated that she asked a school principal to come out of the building and to witness this traffic stop but the officer ordered the principal to leave the scene. The named member stated that he actually asked the principal, who came to the driver side window of the complainant's vehicle, not to stand in the traffic lane but to go to the sidewalk. In her OCC interview, the school principal stated that the officer indeed told her to move from the street to the sidewalk and he did not order her to leave the area or go back inside the school. A second officer present at the scene of this incident did not recall this part of the incident. The complainant's witness, who was inside the complainant's vehicle at the time, was unavailable for an Office of Citizen Complaints interview. A preponderance of the evidence established that, more likely than not, the officer's interaction with the school principal at the scene of this incident did not violate any provisions of the Department Policy on the Rights of On-Lookers.

SUMMARY OF ALLEGATION #4: The officer threatened to arrest the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer threatened to arrest her if she did not get out of her car that was going to be towed. The named member did not recall whether he used the word "arrest" at any point during this police contact. A second officer and a school principal who were present during most of this incident did not recall hearing the alleged threat. The complainant's sister who was in the complainant's car at the time was unavailable for an Office of Citizen Complaints interview. The Office of Citizen Complaints found that the officer had sufficient cause to tow the complainant's vehicle. The complainant's refusal to get out of the car could give the a officer probable cause to place the complainant under arrest and, therefore his warning about a possible arrest would have been appropriate and justified.

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

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

FINDINGS OF FACT: The named officer stated that he was required by the Department Policy to tow the complainant's vehicle because his investigation at the scene showed that her driver's license had been suspended or revoked. The Communications records supported the officer's statement. The Department Policy on Vehicle Tows indeed mandates the officers to tow the vehicle driven by a person whose driver's license was suspended or revoked. Given the circumstances of this incident, the officer's decision to tow the complainant's vehicle was proper.

SUMMARY OF ALLEGATION #6: The officer's traffic stop was racially motivated.

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

FINDINGS OF FACT: The complainant stated that she felt the officer racially profiled her and the stop was racially motivated. The named member stated that he stopped the complainant's vehicle because he saw the complainant run a Stop sign. The available evidence was insufficient to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer exhibited inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that, when she called the station, the supervising officer yelled at her and made inappropriate comments. The named member denied acting in the alleged manner and he denied making the alleged comments. There were no other witnesses to this telephone conversation. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer cited the complainant for running a Stop sign without cause.

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

FINDINGS OF FACT: The complainant stated that she made a turn at the intersection that did not have any Stop signs but she did not recall the street names. The officer stated that he observed the complainant making a turn without stopping at the intersection controlled by the Stop signs. The complainant's sister who was in the car at the time of this incident was unavailable for an Office of Citizen Complaints interview. The available evidence was insufficient to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers stopped him believing that he was the complainant's ex-partner and was violating his own restraining order. The officers stated that the complainant's ex-partner called to report that the complainant was violating a restraining order. The officers stated they detained the complainant to investigate because he drove by as they were speaking to the complainant's ex-partner, who pointed to the complainant. However, the officers determined that the ex-partner did not understand that he was not the protected party and that the protected party was the complainant. The officers had reasonable suspicion to detain the complainant for investigation.

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

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

FINDINGS OF FACT: The complainant stated the officer yelled at him, was rude and accused him of being a liar. The officer denied the allegation. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4-5: The officers failed to enforce a civil restraining order.

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

FINDINGS OF FACT: There is no evidence from the complainant, either in his initial letter, or in his Office of Citizen Complaints interview, that he asked the officers to arrest or otherwise take enforcement action against the reportee for violating the RO. Rather, in his complaint, the complainant repeated what he told the officer at the station when he attempted to report an alleged RO violation, i.e., that when the reportee called the police and made accusations against the complainant, the reportee was in violation of the RO. There is nothing in the RO that prohibited the reportee from calling the police and reporting what he perceived as a crime. There was no violation to enforce, nor did the complainant state that he asked for any such enforcement until after the fact.

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

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

FINDINGS OF FACT: The complainant said he went to Mission Station to request an Incident R port but the officer refused to take the report, stating he could not find the restraining order in the system. The officer denied the allegation. There were no witnesses.

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SUMMARY OF ALLEGATION #1: The officer failed to conduct a timely and thorough investigation into the incident.

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

FINDINGS OF FACT: The complainant alleged that the investigating officer assigned to a hit-and-run case that seriously injured his relative, moved too slowly and failed to take steps necessary to arrest the driver. The officer stated that he made attempts to contact a possible witness and an individual who might have been the driver, but received no cooperation. He further maintained that the department had no evidence to prove the suspect was driving the car when it struck the complainant's relative, and that the only witness he was told about could not identify the suspect as the driver. Witness officers could not recall, and therefore could not verify, what they told the investigating officer. The witness told the OCC he had been unable to identify the driver when shown photographs by the named officer. The suspect failed to respond to the OCC's request for an interview and, according to the named officer, told SFPD through an attorney that she would not make a statement. Records show that the District Attorney's office concluded there was no basis for an arrest warrant. There was no evidence that more or timelier work by the investigating officer would have changed the District Attorney's decision, but there is also no corroboration for the officer's description of what he was told by the responding officers with respect to other witnesses. There is, therefore, insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged that an officer engaged in a “hostile verbal attack” against him. The complainant could not provide officer identification other than general physical description. Officers identified by OCC as fitting the general description provided by the complainant denied contact with the complainant. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation. Witness officers at the scene denied hearing the alleged remarks. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. Witness officers at the scene denied hearing the alleged profanity. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATIONS #3 and 4: The officers failed to provide medical assistance.

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

FINDINGS OF FACT: The officers denied the allegation. Witness officers denied hearing any complaint of pain or need for insulin by the complainant. There were no other identified witnesses. The investigation was unable to identify the unknown officer. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS #5, 6 and 7: The officers failed to identify themselves as police.

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

FINDINGS OF FACT: Two of the approaching officers reported that not only did they identify themselves a police officers they were in full uniform at the time they approached the complainant. The third officer identified by the complainant said he did not recall approaching the complainant while she sat in her vehicle. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #8: The officer used a sexual slur.

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

FINDINGS OF FACT: The officer denied the allegation. Witness officers denied hearing the officer use a sexual slur. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #9: The officer detained the complainant at gunpoint without justification.

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

FINDINGS OF FACT: The officer did not recall approaching the complainant while she was seated in her vehicle. Witness officers denied the officer had his gun un-holstered. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATIONS #10 and 11: The officers used unnecessary force against the complainant.

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

FINDINGS OF FACT: The named officers denied the allegation. Other officers at the scene denied using any force against the complainant or witnessing any officer do so. The investigation was unable to identify the unknown officer. There were no other identified witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS #12, 13 and 14: The officers conducted an improper search of the complainant.

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

FINDINGS OF FACT: The complainant said she was improperly searched on the street and at the station. Named and witness officers either denied searching or denied that any improper search took place. There were no other known witnesses. The investigation was unable to identify the unknown officer. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #15: The officer retaliated against the complainant.

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

FINDINGS OF FACT: The officers denied the allegation and making the alleged comment. Witness officers denied hearing the officer make the alleged comment or having any information that led them to believe the officer's actions were retaliatory. There were no other identified witnesses. 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 ALLEGATION #1: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The officer stated that a security told him about an individual known for buying bus passes. According to the officer, the security guard pointed out to him an individual who was known for this activity. The security guard corroborated this statement. The officer stated that he observed the individual engage in an incomplete transaction over a bus pass with the complainant and he detained both of them for further investigation. The OCC was unable to locate the individual who was allegedly engaged in the incomplete transaction with the complainant. The complainant denied that he was engaged in any transaction with the individual. The security guard did not witness the alleged transaction. There were no other witnesses. As such, there is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named member denied acting inappropriately and making disparaging comments to the complainant during this police contact. The OCC was unable to locate and interview the second individual who was detained during this incident. There were no other identifiable witnesses to the officer's encounter with the complainant. The available evidence was insufficient to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer did not recall whether he handcuffed the complainant during the detention. The OCC was unable to locate and interview the second individual who was detained during the incident. There were no other witnesses to the officer's encounter with the complainant. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/05 **DATE OF COMPLETION:** 08/10/05 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The named officers stated that they arrested the complainant's husband for public intoxication during a football game. The complainant stated that her husband had four or five beers during the game and "may have acted a little obnoxious," but he was not drunk. An usher from the football park told the OCC that he requested the officers to eject the complainant's husband because he was "considerably inebriated and he was disrupting the game for other viewers." The complainant's husband did not respond to numerous OCC's requests for his statement. Another witness identified by the complainant did not respond to the OCC's request for an interview. A preponderance of the evidence establishes that the officers' decision to take the complainant's husband into police custody for public intoxication was proper.

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

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

FINDINGS OF FACT: The complainant stated that the officers tackled her husband to the ground and choked him causing several injuries. All officers involved in the arrest of the complainant's husband denied using excessive force to take the complainant's husband into police custody. One witness told the OCC that he came to the scene after the arrest. Another witness did not respond to the OCC's requests for an interview. The OCC was unable to obtain and review the complainant's husband's relevant medical records to make a definitive resolution regarding this allegation because he did not respond to numerous OCC's requests for an interview.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/05 **DATE OF COMPLETION:** 08/10/05 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #4: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officer upset her husband by getting in his face while demanding his ID as well as by pointing a finger and chastising him. The officer denied acting inappropriately during the incident. One witness told the OCC that he came to the scene after the complainant's husband was placed under arrest. The second witness did not respond to the OCC's requests for an interview. The OCC was unable to reach a definitive resolution on this allegation because the complainant's husband, a critical party to this incident, did not respond to numerous OCC's requests for his statement.

SUMMARY OF ALLEGATION #5: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant stated that the officer misrepresented the arrest of her husband in several aspects. The named member stated that she accurately described the events of this incident. Several other officers who joined the incident at various stages supported this statement. One witness told the OCC that he did not observe the entire interaction between the SFPD officers and the complainant's husband. Another witness did not respond to the OCC's requests for an interview. The OCC was unable to reach definitive resolution on this allegation because the complainant's husband, a critical party to this incident, did not respond to numerous OCC's requests for an interview.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/05 **DATE OF COMPLETION:** 08/10/05 **PAGE#** 3 of 3

OCC ADDED ALLEGATION

SUMMARY OF ALLEGATION #1: The officer failed to log use of force.

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

FINDINGS OF FACT: The complainant stated that the officers, whom she could not identify, choked her husband during the arrest and caused visible physical injuries. When questioned by the OCC, the involved officers all stated that no excessive force was used during this incident and the complainant's husband was not injured. One witness told the OCC that he did not see how the complainant's husband was taken into police custody. Another witness did not respond to the OCC's requests for an interview. The OCC was unable to review the complainant's husband's relevant medical records and reach a definitive resolution on this allegation because the complainant's husband did not respond to numerous OCC's requests for a statement.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/04 **DATE OF COMPLETION:** 08/19/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the Incident Report was inaccurate. The officer stated the report was accurate. There were no witnesses to the arrest, per the complainant and officers' statements. 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:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that she was choked to obtain the cocaine rocks from her mouth. This officer denied that he choked her. There were no witnesses to the arrest, per the complainant and officers' statements. There is insufficient evidence to prove or disprove the allegation.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/04 **DATE OF COMPLETION:** 08/19/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The money was properly documented in the Incident Report, as she was arrested for sales of cocaine, and money on her person could be documented as evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/14/05 **DATE OF COMPLETION:** 08/13/05 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The named members stated that they stopped and detained the complainant because he was riding his bicycle on the sidewalk in violation of Section 96 of the Municipal Traffic Code. In his statement to the Office of Citizen Complaints, the complainant acknowledged that he was, in fact, riding his bicycle on the sidewalk at the time of this police contact. The officers' decision to stop the complainant was proper.

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

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

FINDINGS OF FACT: The complainant stated that one of the two female officers who stopped him searched his pockets. Both officers stated that the complainant was searched but neither could recall who actually searched him. The complainant's description of the searching officer was inconclusive to determine her identity. The Office of Citizen Complaints was unable to locate or interview a potential witness to the occurrence, a transient, who had been arrested by the involved officers shortly prior to their contact with the complainant. One officer, whose unit history placed him at the scene of this police contact, could not recall the incident. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to prove or disprove the allegation or to determine the identity of the officer responsible for this misconduct.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/14/05 **DATE OF COMPLETION:** 08/13/05 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that one of the two female officers who initiated his detention pushed him against the wall with unnecessary force. The complainant could not clearly identify the officer who did that to him. Both officers denied pushing the complainant and stated that they could not recall what units officers assisted them in this incident. One officer, whose unit history placed him at the scene of this event, did not recall the incident. The Office of Citizen Complaints was unable to locate and interview a possible witness to the occurrence – a transient who was arrested by the involved officers shortly prior to their contact with the complainant. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to prove or disprove the allegation or to establish the identity of the officer responsible for the alleged misconduct.

SUMMARY OF ALLEGATION #5: The officer made threatening and inappropriate remarks.

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

FINDINGS OF FACT: The complainant stated that one of the several officers present at the scene threatened to arrest him. The complainant's description of this officer was insufficient to determine the officer's identity. The officers who initiated this police contact denied making or hearing the alleged comment. One officer, whose unit history placed him at the scene of this contact, did not recall this incident. The Office of Citizen Complaints was unable to locate and interview a possible witness to the event – a transient who was arrested shortly to the officers' contact with the complainant. The available evidence was insufficient to prove or disprove the allegation or to establish identity of the officer responsible for the alleged misconduct.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/14/05 **DATE OF COMPLETION:** 08/13/05 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #6: The officer harassed the complainant.

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

FINDINGS OF FACT: The officers who detained the complainant denied the alleged misconduct. Another San Francisco Police Department member, whose unit history placed him at the scene of event, did not recall the incident. The complainant's description of the officer responsible for this misconduct was insufficient to identify the officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer used profanity at the scene.

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

FINDINGS OF FACT: The complainant could not provide sufficient description of the male officer who used profanity at the scene. Two female officers, who detained the complainant, did not recall what units/members assisted them during this police contact. One officer, whose unit history placed him at the scene of this event, did not recall the incident. The Office of Citizen Complaints was unable to locate and interview a potential witness to the occurrence – a transient who was arrested shortly before the officers' contact with the complainant. There were no other identifiable witnesses to this incident. The available evidence was insufficient to prove or disprove the allegation or to establish identity of the San Francisco Police Department member responsible for the alleged misconduct.

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DATE OF COMPLAINT: 02/14/05 **DATE OF COMPLETION:** 08/13/05 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #8: The officers failed to provide names and star numbers upon request.

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

FINDINGS OF FACT: The officers did not recall whether the complainant asked their names or star numbers at any time. One member, whose unit history placed him at the scene, did not recall the incident. The Office of Citizen Complaints was unable to locate and interview a possible witness to the occurrence – a transient who was arrested shortly prior to the officers’ contact with the complainant. There were no other identifiable witnesses to this incident. The available evidence was insufficient 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: 03/10/05 **DATE OF COMPLETION:** 08/31/05 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The named officer acknowledged that he simultaneously issued a 72-hour warning notice and a parking citation that would properly issue only had the vehicle's owner refused to heed the warning. The named officer further acknowledged that he issued a citation to the complainant's car without specific, verifiable evidence that the car was in violation of the code section under which he issued the citation. Two witnesses stated that they had seen the vehicle in question in a location other than where it had been cited less than eight hours before it was cited. A preponderance of the evidence established that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/10/05 **DATE OF COMPLETION:** 08/29/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 29, 2005.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 29, 2005.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/10/05 **DATE OF COMPLETION:** 08/29/05 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate citation.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 29, 2005.

SUMMARY OF ALLEGATION #3:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/05 **DATE OF COMPLETION:** 08/26/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer displayed inappropriate behavior and comments to the complainant.

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

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

SUMMARY OF ALLEGATION #2: The officer failed to take required action by not reminding the complainant that a signature on a citation is not an admission of guilt.

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

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

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/05 **DATE OF COMPLETION:** 08/26/05 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer failed to take required action by not providing the complainant with the proper copy of a citation.

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

FINDINGS OF FACT: The named officer acknowledged providing the incorrect copy of a citation, but said the Department had issued ticket books with copies in a different order, and had failed to announce the changes in the order of citation copies. Department records indicate the Department issued a bulletin that announced the changes in the citation blanks, including the order of the copies. Department regulations required officers to carry the bulletin and to comply with its contents. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #4: The officer failed to take required action by not explaining the remedy for disposing of a citation.

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

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

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DATE OF COMPLAINT: 03/31/04 **DATE OF COMPLETION:** 08/31/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to cooperate with the investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/14/05 **DATE OF COMPLETION:** 08/31/05 **PAGE # 1 of 3**

SUMMARY OF ALLEGATION #1: The officer failed to prepare a report.

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

FINDINGS OF FACT: The complainant alleged that the officers refused to take an Incident Report. The officers denied the allegation, stating that the complainant did not request a report nor did the circumstances warrant a report to be made. The Office of Citizen Complaints investigation determined that, in the absence of any criminal activity or incident, no police report was to be made and the officer's decision not to prepare an Incident Report was proper.

SUMMARY OF ALLEGATION #2: The officer failed to prepare a report.

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/14/05 **DATE OF COMPLETION:** 08/31/05 **PAGE # 2 of 3**

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

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

FINDINGS OF FACT: The complainant alleged that the officers refused to accept a private person's arrest. The officers denied the allegation. The Office of Citizen Complaints investigation determined that the evidence supported the officers' contention that the complainant refused to provide the necessary information for a private person's arrest to be accepted. As such, the officers acted properly in not accepting a private person's arrest from the complainant.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/14/05 **DATE OF COMPLETION:** 08/31/05 **PAGE # 3 of 3**

SUMMARY OF ALLEGATION #6: The officer exhibited inappropriate behavior.

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/17/05 **DATE OF COMPLETION:** 08/22/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 28, 2005.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/05 **DATE OF COMPLETION:** 08/31/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer threatened to arrest her if she didn't turn down the music on her car stereo. She also stated that a neighbor had called the police to make a noise complaint. The officer stated that the complainant cursed at him and refused to turn down the music. He stated that he advised the complainant that she would be arrested if she continued to refuse to do so. The officer's partner stated that the complainant responded to his partner's request by yelling profanities at his partner. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer yelled at her, slammed the door of her vehicle, and told her she was a bad parent. The officer denied yelling at the complainant and slamming her car door. He stated that the complainant was spouting profanities at him, in front of her children and told her not to talk like that in front of her children. He denied calling her a bad parent. The officer's partner stated that the complainant was rude and confrontational, arguing with, and yelling profanities at, the officer. This officer stated that he heard a car door shut but did not know who shut it. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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DATE OF COMPLAINT: 03/22/05 **DATE OF COMPLETION:** 08/31/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was playing music from her car stereo while it was idling in a residential parking lot. She stated that she was standing outside her vehicle and that the car's doors were open. She also stated that a neighbor had called the police to make a noise complaint. The officer stated that he first heard the music when he was about thirty feet away. His partner stated that he first heard the music when he was about 60-70 feet away. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #4: The officer intentionally damaged the complainant's personal property.

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

FINDINGS OF FACT: The complainant stated that the officer damaged her car door handle when he slammed the door of her vehicle. The officer denied slamming her car door. The officer's partner stated that he heard a car door shut but did not know who shut it. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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DATE OF COMPLAINT: 03/23/05 **DATE OF COMPLETION:** 08/15/05 **PAGE#** 1 of 1

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 stated that they knew the complainant had multiple pending narcotic related court cases stemming from the same area and was detained for suspicion of loitering for narcotics related activities. A person's query revealed that the complainant had a stay away order from the block in question. The officer's actions were lawful and proper under the circumstances.

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

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

FINDINGS OF FACT: The officers stated that the complainant was arrested for being in violation of a court stay away order and for loitering for narcotics related activity. The complainant was found to be in possession of a large quantity of small denominations currency in an area from where the court restricted her appearance. The arrest was lawful and proper.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/05 **DATE OF COMPLETION:** 08/11/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officers used excessive force while in custody.

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

FINDINGS OF FACT: The complainant did not respond to multiple Office of Citizen Complaints requests for an interview, is currently wanted by California Department of Corrections, and his whereabouts are unknown.

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

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

FINDINGS OF FACT: The complainant did not respond to multiple Office of Citizen Complaints requests for an interview, is currently wanted by California Department of Corrections, and his whereabouts are unknown.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/05/05 **DATE OF COMPLETION:** 08/10/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant did not respond to OCC attempts to interview him in order to provide essential and necessary information to further the investigation. The officer denied the allegation and stated that the complainant was lawfully detained inside a Muni train to be cited for fare evasion. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant did not respond to OCC attempts to interview him in order to provide essential and necessary information to further the investigation. The officer stated that when questioned, the complainant admitted she had no proof of payment. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/05/05 **DATE OF COMPLETION:** 08/10/05 **PAGE # 2 of 2**

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

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

FINDINGS OF FACT: The complainant did not respond to OCC attempts to interview him in order to provide essential and necessary information to further the investigation. The officer denied the allegation and there were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

OCC Added Allegation:

SUMMARY OF ALLEGATION #1: The officer failed to report and document the use of force.

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

FINDINGS OF FACT: The complainant did not respond to OCC attempts to interview him in order to provide essential and necessary information to further the investigation. The officer stated that the complainant had no visible injuries and denied being injured. The nature of the alleged injury was not visible and there were no witnesses to either prove or disprove that the officer used force likely to result in a head trauma. There is insufficient evidence to either prove or disprove the allegation.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/06/05 **DATE OF COMPLETION:** 08/22/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 17, 2005.

SUMMARY OF ALLEGATION #3-4: The officer was inattentive to police duty.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 17, 2005.

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DATE OF COMPLAINT: 04/13/05 **DATE OF COMPLETION:** 08/31/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside of OCC's jurisdiction. The complaint will be forwarded to the SFSD Internal Affairs Unit.

SFSD – Internal Affairs
25 Van Ness Avenue #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/05 **DATE OF COMPLETION:** 08/29/05 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate Incident Report.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 22, 2005.

SUMMARY OF ALLEGATION #2: The officer was rude in tone and manner.

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 22, 2005.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/05 **DATE OF COMPLETION:** 08/29/05 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on July 22, 2005.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/05 **DATE OF COMPLETION:** 08/13/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATION #3: The officer used excessive force without justification.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/26/05 **DATE OF COMPLETION:** 08/31/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated an officer grabbed her blouse and shoulder, took her to the end of a hallway, grabbed her chin, and banged her head against the concrete wall several times. Due to the length of time elapsed since the alleged incident, Department records are no longer available. There are no medical records to support the complainant's statement that she sought medical treatment. The identity of the officer was never determined. 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
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DATE OF COMPLAINT: 05/26/04 **DATE OF COMPLETION:** 08/26/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officers stated that the complainant was detained for failing to stop at a posted stop sign. During his OCC interview, the officer stated that the stop sign was at 25th and Bryant Streets. During the preliminary hearing, he testified that the stop signs were located at 25th and Florida Streets, and again at 24th and Florida Streets. In his computer-aided dispatch, the officer categorized this incident as a suspicious person in a vehicle, not a traffic stop. The officer conducted an unduly prolonged detention, did not issue a citation to the complainant, and questioned the complainant about an unrelated matter. Based on the preponderance of evidence obtained, the officer conducted an improper detention.

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

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

FINDINGS OF FACT: The officers stated that they arrested the complainant for possession of marijuana for sale. The investigation revealed that this arrest flowed from an improper detention, making the arrest improper as well. Based on the preponderance of evidence obtained this arrest was improper.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/04 **DATE OF COMPLETION:** 08/26/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4-7: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The officers stated that they entered the complainant's residence before obtaining a search warrant, in order to secure potential evidence. The officers failed to articulate probable cause, exigent circumstances or any other compelling reason that would warrant to entrance to the complainant's residence without a search warrant. Based on the preponderance of evidence obtained, the search of the complainant's residence was improper.

SUMMARY OF ALLEGATIONS #8-11: The officers seized the complainant's personal property without cause.

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

FINDINGS OF FACT: The officers stated that they entered the complainant's residence before obtaining a search warrant, in order to secure potential evidence. The officers failed to articulate probable cause, exigent circumstances or any other compelling reason that would warrant entrance to the complainant's residence. Because the search of the complainant's residence was improper, the seizure of any evidence as a result of that improper search was also improper.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/05 **DATE OF COMPLETION:** 08/10/05 **PAGE#** 1 of 3

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 stated that they detained the complainant because his vehicle did not have any license plates. The complainant acknowledged that his vehicle did not have any license plates. The officers' actions were proper.

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

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

FINDINGS OF FACT: The officers arrested the complainant for, among other charges, driving a vehicle with a suspended license, for resisting arrest, assaulting an officer and an outstanding warrant. The complainant did not dispute any of these charges. The officers' actions were proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/05 **DATE OF COMPLETION:** 08/10/05 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #5-6: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The officers stated that the complainant resisted arrest and tried to free himself from their custody. The officers stated that one officer conducted a Department approved "leg sweep" to take the complainant to the ground. The officers stated that the complainant continued to resist arrest and spit at one officer. The officers stated that the only force they utilized was holding him to the ground until back-up officers arrived. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that officers inside the police station laughed at him. The acting lieutenant at the booking station stated that she did not see or hear any officers laugh at the complainant. The complainant could not identify these officers. There is insufficient information to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/05 **DATE OF COMPLETION:** 08/10/05 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #8: The officer failed to take a citizen complaint.

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

FINDINGS OF FACT: The complainant stated that, when the officer arrived to take his complaint, she argued with him and he decided not to make a complaint. The officer stated that she tried to take the complaint when the complainant was inside the holding cell but he refused to talk to her and began screaming for no reason. She stated that she again tried to take a complaint when the complainant was in the ambulance but he again refused. The officer further stated that she tried to take his complaint in the hospital but he refused to talk to her. There were no available witnesses. The investigation failed to disclose sufficient information to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officers used unnecessary force on the complainant at San Francisco General Hospital.

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

FINDINGS OF FACT: The investigation revealed that this allegation is against the San Francisco Sheriff's Department and has been forwarded to them for their review.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/13/05 **DATE OF COMPLETION:** 08/11/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officers failed to prepare an incident report. The complainant could not identify the officers who responded to the scene. An incident report was prepared of this incident and the suspect was apprehended. According to Communications records, the suspect was continually changing locations and the officers were pre-empted when this occurred. The complainant's girlfriend twice failed to appear for an interview. There were no available witnesses. The officers' actions were proper.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to respond to the scene in a timely manner.

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

FINDINGS OF FACT: The complainant alleged that it took the officers twenty minutes to respond to the location where his girlfriend was. His girlfriend was chased into a building by the suspect. According to Communications records, when the complainant's girlfriend first called 911, she told the dispatcher that she was in a safe place and that the suspect was gone. According to Communications records, the suspect was seen by many callers in different locations. According to Communications records, the officers responded to the scene in twelve minutes. The complainant could not identify the officers. The complainant's girlfriend twice failed to appear for an interview. There were no other available witnesses. The officers' actions were proper.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/04 **DATE OF COMPLETION:** 08/15/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer is retired.

SUMMARY OF ALLEGATION #2: The officer misused his/her police authority

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

FINDINGS OF FACT: The complainant alleged that the officer made false or misleading statements and/or improperly concealed evidence during the complainant's criminal proceedings. The investigation established that the officer acted appropriately.

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**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/21/04 **DATE OF COMPLETION:** 08/15/05 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer misused his/her police authority

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

FINDINGS OF FACT: The complainant alleged that the officer made false or misleading statements and/or improperly concealed evidence during the complainant's criminal proceedings. The investigation established that the officer acted appropriately.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/17/05 **DATE OF COMPLETION:** 08/21/05 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's conduct has been inappropriate and threatening.

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

FINDINGS OF FACT: The complainant and witnesses failed to cooperate with the investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/23/04 **DATE OF COMPLETION:** 08/31/05 **PAGE# 1 of 4**

SUMMARY OF ALLEGATION #1-2: The officers used unnecessary force during the incident.

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

FINDINGS OF FACT: The complainant stated that an officer grabbed her, forced her to the ground, bruised her chest, sat on her, and twisted her arms without cause. She said that he and another officer dragged her to a patrol car, twisting her arms and her neck painfully. One officer stated that he used department-approved physical control to restrain the complainant after she swung a fist at him and then struggled to free herself as he attempted to handcuff her. Both officers denied that the complainant was dragged to a vehicle. Civilian witnesses did not see the complainant strike the officer but believed they heard the sound of a slap. One witness saw some of the contact and said the complainant struggled. Another witness did not see the officer handcuff the complainant. Neither witness observed the complainant being walked to the car. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated that he arrested the complainant for battery on a peace officer after she swung her fist at him, striking his forehead with a glancing blow, and with resisting, after she struggled to free herself when he tried to place handcuffs on her. The complainant denied that she struck the officer or struggled. Witnesses did not see the complainant strike the officer and were not able to corroborate with sufficient specificity the further physical interaction between the officer and the complainant. There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 06/23/04 **DATE OF COMPLETION:** 08/31/05 **PAGE# 2 of 4**

SUMMARY OF ALLEGATION #4: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated that the officer was improperly selective in his enforcement of the law, in that she was forced to leave an apartment by an officer who took the building owner's side and did not ask the complainant for her information. She said that she had a signed lease for the apartment she was told to vacate, but did not state that she had shown the lease to the officer. The officer stated that he was acting as civil stand by to see the complainant safely out of a building at the request of the building's owner. He spoke to the owner and was not shown any paperwork. He said the complainant refused to provide her name and that he was not shown or told about a lease agreement. A civilian witness stated that the officer asked the complainant why she was in the apartment, but that her answers were non-responsive and irrational. The officer stated that the complainant left the apartment voluntarily. He said he blocked the door when, at one point, she tried to re-enter. The complainant stated that the officer told her she would be arrested for trespassing if she did not leave. There was insufficient evidence to prove or disprove the allegation, in that it could not be established by a preponderance whether the officer acted as an enforcer in the situation or whether he asked for or considered the complainant's claim.

SUMMARY OF ALLEGATION #5-6: The officers failed to provide medical attention.

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

FINDINGS OF FACT: The complainant stated that she told the officers that her wrist hurt and that it felt broken, but the officers never offered medical attention. The officers stated that, when the officer mentioned pain in her wrist, a paramedic unit was called to the station. The officers stated that the complainant told the medics that nothing was wrong with her, and they left without treating her. San Francisco Fire Department communication records support the officers' testimony with respect to a response by a medic unit to the police station to check on a female with a wrist complaint. Whether or not the complainant chose to accept medical treatment, a preponderance of the evidence established that the officers did, in fact, provide medical attention, and the allegation is without foundation.

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DATE OF COMPLAINT: 06/23/04 **DATE OF COMPLETION:** 08/31/05 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #7: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated that the officer made inaccurate statements in his written police report. She denied that she had been asked for her name and refused to give it. She denied that she had swung her fist at the officer, although he wrote that she had. She said she did not remember being offered medical treatment or being taken to a police station before being taken to jail. The officer maintained that the report he wrote accurately reflected what occurred during the incident. Although SFPD records confirmed that the complainant was taken to the station and that paramedics were called, no witness observed the complainant swing at the officer or said they heard the officer ask her for her name. There was insufficient evidence to prove or disprove the allegation in its entirety.

SUMMARY OF ALLEGATION #8: This allegation raises matters outside OCC's jurisdiction.

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

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

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SUMMARY OF ALLEGATION #9: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer inappropriately called her to come in and be interviewed by him about a complaint she had made against another officer. The officer stated that he contacted the complainant and subsequently conducted an interview with her at the direction of SFPD's Management Control Division who assigned him to investigate a complaint she had made that had been forwarded to Management Control. SFPD records supported the officer's statement. His conduct was, under the circumstances, proper and appropriate.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT:05/19/05 **DATE OF COMPLETION:**08/31/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer selectively enforced the law.

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

FINDINGS OF FACT: The officer denied the allegation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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DATE OF COMPLAINT:05/19/05 **DATE OF COMPLETION:** 08/31/05 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/29/04 **DATE OF COMPLETION:** 08/23/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated an officer told paramedics not to treat her. The officers who responded to the scene denied the allegation. Witnesses with the complainant stated they heard an officer tell the paramedics not to treat the complainant. The responding paramedic denied that the officers told her not to treat the complainant and added that she made the determination that this was a “no-merit medical” because the complainant refused medical attention. The other witnesses did not hear the conversation between the medic and the complainant. The witnesses did not appear to conduct a photospread to identify the officer. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/07/05 **DATE OF COMPLETION:** 08/21/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant called communications to complain about drunken individuals making noise. The call was logged as a “C” priority and dispatched. The officers arrived on scene within minutes of being dispatched. The suspects had left the scene. The officers’ actions were proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officer(s) used excessive force during the arrest.

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

FINDINGS OF FACT: The minor complainant escaped from custody and is still outstanding. The complainant's mother has not responded to OCC requests for necessary releases to pursue a complaint involving a juvenile.

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

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

FINDINGS OF FACT: The minor complainant escaped from custody and is still outstanding. The complainant's mother has not responded to OCC requests for necessary releases to pursue a complaint involving a juvenile.

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

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

FINDINGS OF FACT: The investigation was unable to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint. There were no independent witnesses.

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

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

FINDINGS OF FACT: The investigation was unable to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint. There were no independent witnesses.

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to properly investigate her case. The investigation revealed that the officer presented the case to the District Attorney's office for charging. The District Attorney's office decided not to prosecute the matter based on the facts that admissible evidence was inadmissible. The District Attorney's office did not advise the officer to further investigate the case. Therefore, the officer's investigation was appropriate, lawful and proper as the case was dismissed by the District Attorney's office without further advisements to the officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT The officers denied the allegation. During his OCC interview the complainant acknowledged the act that led to his arrest. 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 handcuffed the complainant without justification.

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

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

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SUMMARY OF ALLEGATIONS #4-5: The officer's used unnecessary force during the arrest of the complainant.

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

FINDINGS OF FACT: The officers denied the allegation. Complainant stated he hit victim with beer can. Witness saw complainant with beer can. Both officers witnessed complainant strike victim with a beer can. Officer used force necessary to prevent further injury to victim.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 06/21/05 **DATE OF COMPLETION:** 08/21/05 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officer denied the allegation. The one witness identified by the complainant failed to cooperate with the investigation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer used profane language.

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

FINDINGS OF FACT: The officer denied the allegation. The one witness identified by the complainant failed to cooperate with the investigation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation. The one witness identified by the complainant failed to cooperate with the investigation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer denied the allegation. The one witness identified by the complainant failed to cooperate with the investigation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer seized the complainant's property without justification.

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

FINDINGS OF FACT: The officer denied the allegation. The one witness identified by the complainant failed to cooperate with the investigation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATION #1: The officer(s) used excessive force during the arrest.

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

FINDINGS OF FACT: The complainant gave brief description of the allegation without details or a statement due to a pending criminal proceeding. The complaint was placed on suspense for thirty (30) days pending an update from the complainant as to his proceeding. However, the complainant failed to appear in court and maintain contact with the OCC investigator. Consequently the bench warrant has been outstanding over thirty days, and the OCC suspense status has expired without communication from the complainant, whose whereabouts are unknown.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/05/05 **DATE OF COMPLETION:** 08/23/05 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on August 1, 2005.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on August 1, 2005.

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

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

FINDINGS OF FACT: The parties agreed to mediate this complaint. A mediation was successfully conducted on August 1, 2005.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/06/05 **DATE OF COMPLETION:** 08/10/05 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation. The investigation revealed there was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer failed to take a report from the complainant.

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

FINDINGS OF FACT: The officer denied the allegation and stated he attempted to take a report from the complainant, but under a different category than that requested by the complainant. Another officer present heard the named officers efforts in trying to explain to the complainant why a different category was more appropriate than what had been requested by the complainant. The witness officer also noted the named officer was trying to take the report but the complainant left the station before the report could be made. Based on the complainant's statement to Office of Citizen Complaints, the named officers decision to make the report under a different category was justified, lawful and proper.

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SUMMARY OF ALLEGATION #1: The officer spoke to the complainant in an intimidating and inappropriate manner.

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

FINDINGS OF FACT: 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 arrested the complainant without cause.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he and another officer arrested the complainant after being told that the complainant had battered a man in a fight. Several witness officers did not hear or see the battery victim point out an attacker. The victim said that he told officers at the scene that the complainant had struck him and broken his leg. Two other witnesses who were acquaintances of the victim said they heard what sounded like a “smack” and turned to see the victim on the ground. One of those witnesses said he heard the victim identify the complainant to officers as his assailant. Another witness, who said he was a friend of the complainant, stated that the victim whose leg was injured identified the complainant to officers as his assailant. The evidence proved that the acts that provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he handcuffed the complainant when he was arrested for battery. A witness officer said that the complainant was handcuffed pursuant to his arrest for battery and prior to his transport in a patrol car. Several witness officers did not recall seeing the complainant handcuffed. Two witness officers and several other witnesses stated they did not see the complainant handcuffed. Department policy is to handcuff all arrestees transported in a patrol vehicle. The evidence proved that the acts that provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #3: The officer failed to provide medical attention at the scene of the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated that he requested medical attention at the scene of his arrest for his bleeding mouth. He acknowledged that he was seen by medical personnel and was offered transport to the hospital, which he declined. The named officer stated that another officer called for an ambulance, that the complainant was attended to by paramedics and that he heard the complainant verbally decline transport to the hospital. A witness officer reported calling for an ambulance and reported watching paramedics examine the complainant and said she saw the complainant sign papers declining further attention. Department and SF Fire Department records indicate that the named officer's unit called for an ambulance for a man matching the complainant's description with a bleeding mouth. The fire department had no record of the complainant being treated. Another witness officer who photographed the complainant's injuries said that he observed the complainant being seen by paramedics, and heard him decline to be transported. Another witness on the scene, a friend of the complainant, saw medical personnel examine the complainant. The evidence proved that the acts that provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #4: The officer failed to provide medical attention at the station.

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

FINDINGS OF FACT: The complainant stated that he requested treatment for his teeth and bleeding mouth at the station and was not provided any treatment. The named officer acknowledged he was responsible for the complainant while in the station but denied the allegation, saying that the complainant never complained of injuries, and that there were no injuries apparent or complained of during a medical screening of the complainant at the station. Two witness officers said they observed injuries to the complainant at the scene of his arrest, for which he was treated by paramedics. Those officers said they did not hear him request medical attention at the station, did not recall the complainant's injuries being visible at the station, and said they were not present for the medical screening. One witness officer stated that he saw the complainant's injury at the scene but did not see the complainant at the station. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to take required action in that he failed to accept a citizen's arrest.

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

FINDINGS OF FACT: The complainant stated that he asked for two men with whom he had fought to be arrested, and that the named officer had not arrested them. The named officer and a witness officer denied the allegation, stating that they had arrested and cited the two men, after the complainant signed citizen arrest forms. Department records include citizen arrest forms apparently signed by the complainant and copies of citations issued to the men arrested. The evidence proved that the acts that provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #6: The officer made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the named officer yelled at him, told him he did not believe him, arrested him based on an earlier, unrelated incident and made inappropriate comments to him at the scene of his arrest and in the station. The named officer denied the alleged actions. Six witness officers denied hearing the named officer make any alleged comments or yell at the scene. Several other witnesses said they did not recall seeing the complainant at the scene or hearing his conversation with officers. One witness, a friend of the complainant, said he heard the complainant talk to officers and heard nothing heated or aggressive. Two witness officers said they saw the complainant at the station but denied hearing the named officer make the alleged comments. Several other witness officers did not recall seeing the complainant at the station. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer failed to read the complainant his Miranda rights.

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

FINDINGS OF FACT: The named and one witness officer denied the allegation, saying that the witness officer read the complainant his rights. The Incident Report in this incident indicates that the witness officer read the complainant his rights. The named officer denied being present when the complainant's rights were read to him. There were not other witnesses. The OCC failed to name the correct officer and the investigation did not disclose sufficient 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 #1-2: The officer arrested the complainant's boyfriend without cause.

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

FINDINGS OF FACT: The complainant stated her boyfriend was arrested without cause. SFPD records indicated that the complainant's boyfriend was not arrested, but detained during a narcotics investigation and a Certificate of Release was issued. The officer stated the complainant and her boyfriend were only detained at the scene. The witnesses corroborated that the complainant's boyfriend was not arrested during the incident. The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

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

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

FINDINGS OF FACT: The complainant stated she was waiting for her boyfriend who went into a store to drop off a bag of popsicles and to talk to some friends. The complainant admitted she was upset and angry with the officer. The officer stated he observed what appeared to be a narcotics transaction between the complainant's boyfriend and another person. There was insufficient evidence to establish reasonable suspicion to detain the complainant. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 4-5: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant admitted she was upset, fearful, intimidated and angry at the officers at the scene. The complainant stated she did not obey the officer's verbal commands to exit her vehicle. The officers stated the complainant was not cooperative. The officers stated the complainant was hostile and refused to exit her vehicle. The underlying detention is in dispute, therefore the subsequent handcuffing of the complainant was in dispute. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION # 6: The officer used a sexual slur against the complainant.

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

FINDINGS OF FACT: The complainant stated the officer made a sexual slur. The officer denied the allegation. There were no witnesses to the alleged conduct. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer pulled her out of her vehicle and struggled with her. The complainant admitted to locking her vehicle doors and refused to exit her vehicle. The complainant stated she was fearful, intimidated, upset and angry with the officer. The officer stated the complainant was enraged, not cooperative, and flailed her arms. The witnesses stated the complainant was not cooperative and resisted the officer at the scene. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated her vehicle should not have been searched at the scene. The complainant admitted her boyfriend gave permission for the their vehicle to be searched. The complainant admitted the vehicle was co-owned by her boyfriend. The officer stated the complainant's boyfriend gave permission for the vehicle search. The witness stated he gave permission for the officer to search the complainant's vehicle. The underlying detention is in dispute, therefore the subsequent vehicle search is in dispute. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated her bag of popsicles was searched without cause. The officer stated he saw what appeared to be a narcotics transaction between the complainant's boyfriend and another person. The officer stated other officers searched the complainant's vehicle with her boyfriend's permission and located a paper bag. The officer searched the bag with negative results. There were no witnesses during the incident. The underlying detention is in dispute, therefore the subsequent search is in dispute. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer failed to issue a Certificate of Release to the complainant.

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

FINDINGS OF FACT: The complainant stated the officer did not issue a Certificate of Release to her at the scene. The officer denied the allegation. The officer stated he issued the Certificates of Release to the complainant, her boyfriend, and the other friend at the scene. SFPD records indicated that the Certificates of Release were issued to the parties at the scene. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #11: The officer used inappropriate comments and behavior.

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

FINDINGS OF FACT: The complainant stated the officer intimidated her and scared her at the scene. The complainant stated the officer walked around her vehicle and tried to gain entry. The complainant admitted she locked herself in her vehicle from the officer. The officer denied the allegation. The officer stated the complainant was not cooperative and refused to obey his verbal commands to exit from the vehicle. There were no witnesses to the alleged conduct. 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 ALLEGATIONS #1,2: The officers failed to announce themselves as police officers.

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

FINDINGS OF FACT: The named and three witness officers denied the allegation. One witness stated that she was asleep on the floor above the entry and heard nothing but a loud banging. Two other witnesses failed to respond to numerous requests for an Office of Citizen Complaints interview. There is insufficient evidence to either prove or disprove the allegation.

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

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

The complainant said that he asked an officer for his star number and the officer failed to provide it. Two officers denied being asked for a star number, and denied that any officer was asked for his star number. Three witness officers said that no officers were asked for star numbers. One witness saw an officer whom she could not describe displaying a star on his person. Two other witnesses failed to respond to numerous requests for an interview. The identity of the officer was not determined and there is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation. Four witness officers denied hearing the comment or any profanity by an officer. One witness said she was in the area where the complainant alleged the comment was made, and heard no profanity, however, it could not be determined whether the witness observed the entire interaction. Two other witnesses failed to respond to numerous requests for an Office of Citizen Complaints interview. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5, 6: The officers used unnecessary force during an arrest.

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

The complainant said that the officer who arrested him punched him in the face for no reason, and that an officer he could not identify kicked him in the shoulder and groin. The named officer, who acknowledged arresting and using force to subdue the complainant, denied the specific uses of force alleged. Two officers who claimed to assist in subduing the complainant also denied the allegations. There were no other witnesses. Medical records indicated there was no significant medical evidence of injury to the complainant's groin or shoulder. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant's activities were the cause of the sidewalk being blocked. Additionally, the officer stated the complainant had been warned about this activity on several occasions. In his OCC interview the complainant stated the sidewalk was in fact blocked by his activities but denied responsibility for the situation. The officer's action was justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer made a threatening remark to the complainant.

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant was advised of an open warrant against him and told to clear it. The complainant stated that the officer threatened him with arrest if he saw him again. There were no witnesses to further clarify this conversation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to properly process the complainant's property.

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

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

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant was told what the lawful consequences of his continued actions would be. 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 ALLEGATIONS #1 and 2: The officers used unnecessary force during the detention.

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

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

SUMMARY OF ALLEGATIONS #3 and 4: The officers made inappropriate comments.

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

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

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

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

FINDINGS OF FACT: The complainant admitted that he had tried to use a credit card that he had reported stolen. The complainant admitted that it was store personnel who requested the assistance of the police. The officer said a crime had been reported to him and his assistance requested. The officer said he detained the complainant pending his investigation. The actions of the officer were reasonable under the circumstances.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to receive a Citizens Arrest.

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

FINDINGS OF FACT: The officer denied the allegation. The complainant failed to provide additional requested evidence.

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

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

FINDINGS OF FACT: The officers denied the allegation. The complainant failed to provide additional requested evidence.

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SUMMARY OF ALLEGATION #3: The officer was selective in the enforcement of the law.

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

FINDINGS OF FACT: The officers denied the allegation. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #2: The officer behaved in an inappropriate manner.

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

FINDINGS OF FACT: Officers at the location denied behaving or witnessing the alleged behavior. The investigation was unable to identify the offending officer. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATIONS #3, 4 and 5: The officers failed to Mirandize the complainant.

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

FINDINGS OF FACT: The named officers did not recall contact with the complainant at the time of the alleged act. Other officers involved in the incident either had no recollection of being at the location, denied having contact with the complainant, or denied questioning the complainant. The investigation was unable to identify the unidentified offending officer. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The complainant denied committing the act for which he was arrested. The officer said he witnessed the illegal act of the complainant. Other officers involved in the incident denied witnessing the alleged act by the complainant. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATIONS #7 and 8: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: Officers said they handcuffed the complainant pursuant to a detention and arrest which they were conducting per the instruction of another officer. The instructing officer admitted to instructing the officers to detain and arrest the complainant after viewing the complainant dispose of suspected illegal narcotics. There is no evidence to suggest that the named officers had reason to believe that the instructing officer was acting in other than a professional and objective manner, therefore the action of the officers were reasonable.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1 and #2: Unwarranted Action for citing the complainant without cause.

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

FINDINGS OF FACT: The complainant received a citation for parking in a passenger loading and unloading zone; he stated he parked there for 3-4 minutes without loading a passenger, which in itself is prohibited by regulation, and his witness's statement shows that he probably parked longer than this to wait for her. The complainant received a citation for not having a waybill as required; the document he submitted as evidence of the waybill to the officer is deficient in eleven areas required by regulation. The evidence submitted by the complainant shows by a preponderance that the officers had probable cause to issue the citation the complainant received, and shows that the officers acted properly.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant admitted she saw the parking signs that warn motorists not to leave their vehicles unattended at the curb. The complainant left her vehicle unattended twice in the presence of an officer, who called the violation to her attention. The officer's actions were lawful and proper when he issued the complainant a citation.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer behaved inappropriately when the officer told her that he did not want to argue with her and he warned her that he was about to call a tow truck. The complainant disregarded the violation, the officer's authority, and based on her statement the evidence showed the officer's actions were lawful and proper under the circumstances.

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SUMMARY OF ALLEGATIONS #1-5: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The named officers denied the allegations. Two witnesses named by the complainant failed to respond to several requests for Office of Citizen Complaints interviews. No other witnesses were identified. The investigation failed to provide sufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The named officer has resigned from the department and is no longer subject to department discipline.

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SUMMARY OF ALLEGATIONS #7-11: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The named officers denied the allegations. Two witnesses named by the complainant did not respond to several requests for Office of Citizen Complaints interviews. No other witnesses were identified. The investigation failed to provide sufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #12: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The named officer has resigned from the department and is no longer subject to department discipline.

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SUMMARY OF ALLEGATIONS #13-16: The officers failed to give the reason for arresting the complainant.

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

FINDINGS OF FACT: The named officers denied the allegations. Two witnesses named by the complainant failed to respond to several requests for Office of Citizen Complaints interviews. No other witnesses were identified. The investigation failed to provide sufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #17-20: The officers failed to display their stars or identify themselves as police officers before taking enforcement action.

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

FINDINGS OF FACT: The named officers denied the allegations. Two witnesses named by the complainant failed to respond to several requests for Office of Citizen Complaints interviews. No other witnesses were identified. The investigation failed to provide sufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATIONS #21-22: The officers used unnecessary force during an arrest.

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

FINDINGS OF FACT: The named officers denied the allegations. Three witness officers denied observing any unnecessary force. Two other witness officers said they did not observe the contact between the complainant and the named officers. Two civilian witnesses failed to respond to requests for Office of Citizen Complaints interviews. No other witnesses were identified. The investigation failed to provide sufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #23: The officer displayed a rude attitude and demeanor and used profanity during an arrest.

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

FINDINGS OF FACT: The named officer denied the allegations. Four witness officers denied hearing the comments attributed to the named officer by the complainant. Two civilian witnesses failed to respond to requests for Office of Citizen Complaints interviews. No other witnesses were identified. The investigation failed to provide sufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATIONS #1-2: The officers interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant was arrested for being drunk in public. The complainant stated that when his friend approached the police to ask what was going on, his friend was told to move on and was told to mind his own business. The complainant's friend stated that when he stepped off a sidewalk and approached the police car, the police told him to back away from the vehicle, and that the incident was none of his business. The officer denied that they interfered with the rights of onlookers. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers and other officers stated that the complainant was intoxicated. The complainant and his friends denied the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-6: The officers failed to provide required information.

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

FINDINGS OF FACT: The complainant stated that the officer failed to tell him why he was being detained. The officers denied the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7-8: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that the officer failed to adequately address his complaint. The accounts of the complainant and witnesses were inconsistent. The officers denied the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was stopped for making an illegal lane change although he did not change lanes at all. The officers stated that they were following the complainant when he suddenly pulled into the parking lane without signaling. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer issued a citation to the complainant for making an illegal lane change. The complainant denied that he changed lanes. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4-5: The force used during the detention was unjustified.

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

FINDINGS OF FACT: The complainant stated that the officers used force during his detention. He stated that he was injured and had to seek medical assistance following the incident. The officers denied using force or that the complainant complained to them of pain or injury. The complainant failed to respond to numerous requests by the OCC for authorization to obtain essential medical records regarding the alleged injuries. Without the complainant's consent to obtain records and interview medical professionals, the OCC was unable to reach a finding in this allegation.

SUMMARY OF ALLEGATION #6-7: The officers' behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated that the officers behaved inappropriately and made inappropriate comments. The officers denied engaging in the behavior or making the alleged comments. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer ordered him out of his car and proceeded to search him for no legitimate reason. The officer stated that the complainant left his vehicle voluntarily at the completion of a traffic stop and charged the officers while hurling verbal abuse at them. He stated that he then conducted a cursory search of the complainant for weapons, for safety reasons. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to make accurate entry of traffic stop data.

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

FINDINGS OF FACT: SFPD records established that the officer's computer entry of required traffic stop data indicated that the complainant was not searched. The officer stated that the entry had been made and sent at the completion of the traffic stop and that the complainant was not searched during the stop. The officer stated that he conducted a cursory search for weapons after the traffic stop when the complainant charged him and his partner and yelled abuse at them. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #2: The officer wrote an inaccurate/incomplete incident report.

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

FINDINGS OF FACT: SFPD records established that the incident report written by the named officer lacked the required specificity. The officer told the OCC that he knew the information but said that he had been directed to write the report as he did by the officer directing SFPD's investigation. That officer denied that he directed the reporting officer to leave out any information from the report. A preponderance of the evidence established that the named officer failed to follow Department procedures for the writing of reports.

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SUMMARY OF OCC ADDED ALLEGATION #3-4: The officers failed to report the use of force.

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

FINDINGS OF FACT. SFPD records established that no force was logged with respect to the officers' contact with the complainant, and the officers told the OCC that they did not report force to any one for the reason that they used none. There were no civilian witnesses to the alleged use of force. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #5: The officer failed to log the use of force.

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

FINDINGS OF FACT: SFPD records established that no force was logged with respect to the complainant's contact with certain officers. The officer who was responsible for logging force stated that he handled the complainant's allegation that force was used by directing that any injuries be documented and evidence preserved and by assuring that a citizen's complaint was filed. The evidence established that the officer properly handled the matter and that he was not required to log force reported to him after the fact by a citizen when the officers involved reported no force.

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SUMMARY OF OCC ADDED ALLEGATION #6-7: The officers failed to provide medical attention.

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

FINDINGS OF FACT. The complainant told the OCC that the officers who allegedly injured him failed to provide him with medical attention so that he drove himself to the hospital after the incident. The officers denied that the complainant had any visible injuries or complained of pain or injury during the contact. There were no civilian witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers stated that the complainant had a stay away order for that block, that the complainant was on probation and that they observed the complainant engage in a narcotics transaction. The complainant did have a stay away order that had been modified to one specific address nearby. Two witnesses stated that the complainant had not been engaged in a narcotics transaction. The complainant was on probation, and the officers had the discretion to detain her, barring harassment. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: One officer stated that he saw what he believed were narcotics in the complainant mouth and pushed her chin to her chest to prevent her from swallowing the drug. The officers stated that the complainant repeatedly refused to open her mouth, so they unsuccessfully attempted a mastoid technique to force the complainant's mouth open. The complainant's description of the officer's action was consistent with a department-trained technique for preventing individuals from swallowing narcotics. Two witnesses stated that it appeared that the officers were choking the complainant. The complainant can be heard yelling on the emergency communications tape. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officers stated that the complainant had a stay away order for that block, that the complainant was on probation with a search condition and that they observed the complainant engage in a narcotics transaction. The officers stated that they believed that the complainant was hiding drugs in her mouth, and that the complainant refused to comply with their orders to open her mouth. The complainant was on probation with a search condition and did have a stay away order that had been modified to one specific address nearby. Two witnesses stated that the complainant was not involved in a drug transaction. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATIONS #7-8: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The officers stated that the complainant was on probation with a search condition and that they observed the complainant engage in a narcotics transaction. Two witnesses stated that the complainant had not been engaged in a narcotics transaction. The complainant was on probation, and the officers had the discretion to detain her and search her vehicle, barring harassment. There was no additional evidence to further prove or disprove this allegation.

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SUMMARY OF ALLEGATIONS #9-10: The officers ordered a strip search of the complainant without cause.

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

FINDINGS OF FACT: The officers stated that the complainant was on probation with a search condition and that they observed the complainant engage in a narcotics transaction. The officers stated that they believed that the complainant was hiding drugs in her body. The complainant was on probation with a search condition and had the discretion to order a strip search of the complainant, barring harassment. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officers stated that the complainant was on probation for a narcotics violation and was found loitering with the intent to sell narcotics. She refused to comply with their orders to open her mouth. The officers stated that the complainant resisted arrest and kicked the officers. Two witnesses stated that the complainant did not resist arrest. The complainant was on probation for a narcotics violation, and the officers had the discretion to detain her and search her, barring harassment. There was no additional evidence to further prove or disprove this allegation.

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SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers failed to report the use of force.

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

FINDINGS OF FACT: The officers stated that they employed a mastoid technique to force the complainant to spit out drugs they believed were in her mouth. The complainant stated that the officers grabbed her jaw and her mouth, which was consistent with a mastoid technique. Under DGO 5.01, reporting this use of force was necessary if the person is injured or complains of injury. The officers stated that the complainant was not injured and did not complain of injury. Two witnesses stated that the officers “choked” the complainant, which was inconsistent with the complainant’s own statement. One of those witnesses stated that the complainant kept talking during this incident. The officer who strip-searched the complainant stated that the complainant did not complain of pain. According to the complainant’s statement, she did not tell the officers that she was injured. According to medical records, the only outward sign of injury was mild swelling on her cheeks. The investigation failed to disclose a preponderance of evidence that the complainant complained of injury.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to receive a citizen's arrest.

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

FINDINGS OF FACT: The evidence proved that the acts alleged in the complaint did not occur and in fact, the officer did receive a citizen's arrest from the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

CATEGORY OF CONDUCT: **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:

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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: San Francisco Sheriff's Department
ISU / Lt. Kennedy
25 Van Ness Avenue #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

National Heritage Insurance Co.
P.O. Box 272857
Chico, CA 95927

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The investigation was unable to disclose sufficient 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 ALLEGATIONS #1-7: The officers' behavior was inappropriate.

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

FINDINGS OF FACT: Based on records received from the Emergency Communications Department, the investigation revealed that the officers were dispatched to one location and then dispatched to a second location. Officers were dispatched to each of these locations based on 911 calls to Emergency Communications Department. The investigation showed that the officers acted appropriately and lawfully.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The behavior and the comments of the officer were inappropriate

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

FINDINGS OF FACT: The complainant was unable to provide sufficient information to identify the officer as a member of the San Francisco Police Department. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer displayed his firearm without justification

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

FINDINGS OF FACT: The complainant was unable to provide sufficient information to identify the officer. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1-2: The officers failed to comply with the care and custody of a prisoner.

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

FINDINGS OF FACT: The complainant stated that the officers who transported her failed to fasten her into a seat belt when they put her, handcuffed, in the back of their patrol vehicle. The officers stated that the complainant's seatbelt was fastened. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer improperly drove a police vehicle.

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

FINDINGS OF FACT: The complainant stated that the officer driving the police vehicle in which she was transported exceeded the speed limit and drove so fast that she was thrown around in the vehicle. The officers denied the allegation. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer used excessive force during transport.

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

FINDINGS OF FACT: The officer and his partner denied that the named officer had used any force during the complainant's transport. There were no witnesses and therefore no evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied using the alleged language. His partner denied hearing the language used. A witness denied hearing the language but was not present for the entire time. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6-7: The officers used excessive force at the Youth Guidance Center.

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

FINDINGS OF FACT: The officer and his partner denied that unnecessary force was used by the named officer or any officer as they took action to gain control of the complainant. The complainant acknowledged that she threw an object at the officer and had objected to being searched. A civilian witness stated that the force described by the complainant did not occur and described physical controls being used in accordance with Departmental guidelines. A preponderance of the evidence established that the officers' actions were proper under the circumstances.

SUMMARY OF ALLEGATION 8-9: The officers made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The officers denied making the alleged comments and conducting the inappropriate conversations while transporting the complainant. They denied any alleged inappropriate behavior. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #10: The officer inappropriately touched the complainant's chest.

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

FINDINGS OF FACT: The investigation failed to identify any officer who might have touched the complainant in the manner she described or to establish that any officer did so. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to report and/or record the use of force.

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

FINDINGS OF FACT: The investigation established that no unnecessary force was used by the officer at one location, but there was insufficient evidence to prove or disprove whether or not force was used during transport. If the alleged force had been used, and if the complainant had complained of pain as she alleged, then the officer would have been required to report it. There was insufficient evidence to prove or disprove the use of such force; therefore, the duty to report was also not proven.

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SUMMARY OF ALLEGATION #1: This allegation raises matters outside O.C.C.'s jurisdiction.

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

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

Federal Protective Police
450 Golden Gate Avenue
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: