

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/23/09    **DATE OF COMPLETION:** 08/03/09    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated these officers kept talking back and not letting her explain herself. The complainant stated the officers told her she was giving “an attitude”. The complainant stated the officers were aggressive and that they behaved improperly. The officers stated they were not aggressive toward the complainant and her husband. The complainant’s husband said the officers were aggressive, rude, and provided little help. There were no independent witnesses to the contact. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 01/26/09 **DATE OF COMPLETION:** 08/29/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant withdrew the complaint.

**SUMMARY OF ALLEGATION #2:** Officer mishandled the complainant's property.

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

**FINDINGS OF FACT:** The complainant withdrew the complaint.

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**DATE OF COMPLAINT:** 01/30/09      **DATE OF COMPLETION:** 08/29/09      **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The officer said the complainant was detained because the vehicle she was in fit the description of a vehicle that was being investigated as stolen at the time and because she was walking away from the vehicle. The police reports present questionable issues surrounding the timing of the detention and the reported stolen vehicle. There is insufficient evidence to reach a dispositive finding.

**SUMMARY OF ALLEGATIONS #2-3:** The officers were rude to the complainant.

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

**FINDINGS OF FACT:** The officers had little or no recollection of the incident. A witness did not respond to the OCC's requests for an interview. Witness officers at the scene denied the allegation. There is insufficient evidence to reach a dispositive finding.

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**SUMMARY OF ALLEGATION #4:** The officer behaved in an inappropriate manner.

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

**FINDINGS OF FACT:** The officer had no recollection of the incident. A witness did not respond to the OCC's requests for an interview. Other witnesses at the scene denied seeing the allegation behavior. There is insufficient evidence to reach a dispositive finding.

**SUMMARY OF ALLEGATION #5:** The officer engaged in selective enforcement.

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

**FINDINGS OF FACT:** The officer had no recollection of the incident. A witness did not respond to the OCC's requests for an interview. There is insufficient evidence to reach a dispositive finding.

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**SUMMARY OF ALLEGATIONS #6-8:** The officers failed to properly process property.

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

**FINDINGS OF FACT:** The named members and other officers at the scene denied removing any of the currency from the vehicle or seeing any other officer do so. A witness who observed the vehicle search saw an officer find the currency in return it to the front center consul. No other officer was identified as having searched the vehicle. There is insufficient evidence to reach a dispositive finding.

**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.

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

**FINDINGS OF FACT:** The complainant stated that he went to the San Francisco Police Department identification section to obtain a copy of his criminal history, which lists one charge, an arrest for vehicular manslaughter while driving under the influence. When the officer who processed his request checked his record on a computer, she asked the complainant whether he had killed someone while drunk driving. The complainant stated that he asked to speak to a supervisor, but the officer told him she was the supervisor. The complainant then sought out one of the lieutenants commanding the identification section and filed a written complaint against the named officer.

The named officer stated that she did not recall the complainant saying anything in response to her question, and thinks he merely nodded. She stated that the complainant then became emotional and said he did not come there to be judged. The named officer stated that in response, she then told the complainant that she did not want someone like him driving near her family. The named officer said she made this statement because the complainant became offensive towards her by speaking in a raised and accusatory manner. The named officer stated that she then attempted to disengage from the conversation and stopped talking. When the complainant told the named officer that she did not know what actually happened in connection with his arrest, she admitted that she wasn't there, but told the complainant that he had been driving drunk, and asked him whether he had been drinking and driving.

The named officer stated that after she gave the complainant a copy of his criminal history, he asked to speak to a supervisor. The named officer told him there was no supervisor there at the time, and the complainant stormed off. A preponderance of the evidence established that the named officer made inappropriate statements to the complainant concerning his criminal history record that were not relevant to the task she was performing. The named officer offered no evidence that there was any question about the complainant's identity or about the accuracy of the information listed on his criminal history. The named officer stated that she initially asked the complainant about the sole charge listed on his criminal history without using the official nomenclature for that charge and without explaining the context of her question. After the complainant became defensive about the named officer's perceived judgmental attitude, the named officer made additional unwarranted and inappropriate comments that aggravated rather than calmed the interaction. The complainant made a contemporaneous complaint about the named officer's actions to her superior officer, and the account of this incident that he provided to the Office of Citizen Complaints was consistent with that account.

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**SUMMARY OF ALLEGATION #2:** The officer misused confidential computer information

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

**FINDINGS OF FACT:** The complainant stated that he went to the San Francisco Police Department Identification Section to obtain a copy of his criminal history, which lists one charge, an arrest for vehicular manslaughter while driving under the influence. When the officer who processed his request checked his record on a computer, she asked the complainant whether he had killed someone while drunk driving, and made several other inappropriate statements about this charge in a loud voice that could be heard by other individuals waiting to be served. The complainant stated that several people were in the waiting area at the time, but he did not know who they were. The named officer admitted asking the complainant whether he had killed someone while drunk driving and making several statements about this charge, but denied speaking in a raised voice. Other employees working in the Identification Section stated that they were not working in close proximity to the counter where this interaction took place. Department Records identified several individuals whose records were processed by the named officer close to the time of the complainant's interaction, but Department Records did not provide sufficient information for the Office of Citizen Complaints to locate and contact these individuals to determine whether they overheard the named officer's statements. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant alleged that the officers detained her without justification. The officers stated that they observed the complainant with an open container, and she smelled of an alcoholic beverage. No other witnesses came forward. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officers used force during the detention. The officers questioned regarding the allegation denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complainant.



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

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

**FINDINGS OF FACT:** The complainant alleged that the officer made an inappropriate comment. The officers questioned regarding the allegation denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complainant.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complaint failed to provide requested information needed to complete the investigation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer detained him without justification. The officer stated that she detained the complainant to investigate an alleged threat to life, corroborated by a witness. After the investigation, the officer determined that the complainant was a danger to himself or others. The complainant was placed on a 72-hour detention for evaluation and treatment. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION #2:** The officers made inappropriate comments

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

**FINDINGS OF FACT:** The complainant alleged that the officers made inappropriate comments. The officers questioned regarding the allegation denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #3:** The officer improperly drove his patrol car.

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

**FINDINGS OF FACT:** The complainant alleged that the officer drove improperly. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer searched his residence without cause. The officer stated that the complainant's girlfriend/housemate gave him permission and escorted him into the residence. The complainant's girlfriend stated that she gave the officer permission to search the house. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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**DATE OF COMPLAINT:** 03/04/09    **DATE OF COMPLETION:** 08/29/09    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant denied selling drugs and said he stopped to answer his cell phone. While parked the complainant said a Caucasian male parked behind him and approached his car saying something he did not understand. The complainant then said officers detained him and arrested him. The officers stated they observed the complainant complete a narcotics transaction with a suspect that was being investigated. Given the facts as reported, the officers had probable cause to believe a narcotics transaction was taking place. The officers have the authority to make arrest based on probable cause per PC 836 and Health and Safety Code 11352(a)

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

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

**FINDINGS OF FACT:** The complainant stated he was searched for no reason. The officers stated they conducted a search of the complainant incident to arrest. The offices are permitted to conduct searched incident to arrest per case law.

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

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

**FINDINGS OF FACT:** The complainant stated his vehicle was towed for no reason. The officers stated that the complainant's vehicle was used to transport narcotics thus making the vehicle evidence of the crime therefore it was towed. Officers have the authority to tow vehicles when involved in a crime per DGO 9.06.

**SUMMARY OF ALLEGATION # 4-6:** The officers failed to process property properly.

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

**FINDINGS OF FACT:** The complainant stated that \$120.00 was seized from his pocket and was not listed on the property receipt. He also stated that when he went to auto return to get his belongings that many items not listed on the tow slip were missing. The officers denied the allegation. The auto return photos document that the tow slip prepared by the officer matched the incoming inventory of items in the car. There were no other witnesses. There is insufficient evidence to prove or disprove that items were taken at the scene and not processed and listed on the property receipt and tow slip.

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**SUMMARY OF ALLEGATION #7:** The officer failed to release the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated that upon his case being dismissed he attempted to retrieve his property but was not successful and was told he had to wait 60 days to see if he commits the same crime within that time. The officers denied the allegation. There is no SFPD 60 day protocol to keep property unless DA wants to hold evidence for some reason. There are no witnesses. There is insufficient evidence to either prove or disprove the allegations.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 03/11/09    **DATE OF COMPLETION:** 08/15/09    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that two police officers chased her son into her garage and arrested him. The named officer stated that he and his partner were justified in entering the garage because they were in hot pursuit of the complainant's son, who the named officer knew had an outstanding warrant for his arrest. The named officer's partner confirmed his description of the incident. Department records confirm that the complainant's son had an outstanding warrant for his arrest. The evidence established that the named officer's actions were lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant stated that two police officers chased her son into her garage and arrested him and that they summoned an unnecessary number of additional officers and other emergency personnel, which she believes was done to embarrass her. The named officer and his partner entered the garage through the open garage door to arrest the complainant's son, who resisted for several minutes by pulling his arms away from them as they attempted to handcuff him. During this time, the named officer's partner called for emergency assistance. The named officer's partner confirmed his description of the incident and stated that he told Communications that they needed emergency assistance because they were struggling with a subject who was resisting arrest. The complainant confirmed that her son, who weighs 300 lbs. was resisting being handcuffed. Department records indicate that the named officer and his partner broadcast a call for emergency assistance and that less than one minute later, they advised Communications that no further assistance was needed and that the suspect was in custody. The evidence established that the conduct of the named officer and the trainee officer he was supervising was appropriate in summoning emergency assistance to aid them with a suspect who was resisting arrest, and that they canceled the request for assistance in a timely manner. The named officer and his partner had no other control over the number of units or officers that responded to the scene. There is no evidence to support the complainant's contention that the named officer intentionally summoned a large number of police officers and vehicles to the scene in order to embarrass her. The evidence established that the officer did not engage in inappropriate behavior.



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

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

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

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

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

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

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**SUMMARY OF ALLEGATION #3:** The officer used excessive force at the scene.

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

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

**SUMMARY OF ALLEGATION #4:** The officer's comments were inappropriate.

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

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

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

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

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

**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to report the use of force.

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

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

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**DATE OF COMPLAINT:** 03/17/09    **DATE OF COMPLETION:** 08/15/09    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The comments and behavior of the officer were inappropriate.

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

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

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

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

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

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

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

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

**SUMMARY OF ALLEGATIONS #2-3:** The officers behaved inappropriately and made inappropriate comments.

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

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

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

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

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

**SUMMARY OF ALLEGATION #5:** The officer failed to properly process property.

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

**FINDINGS OF FACT:** The officers questioned regarding this allegation denied that they searched the complainant's belongings. The identity of the alleged officer was not established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant said he did nothing wrong. The named officer acknowledged detaining the complainant but denied the allegation, stating that he determined the complainant was a danger to himself and others. Three witness officers said they were not present at the initial detention, but two witness officers stated they observed the complainant acting and speaking irrationally. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer displayed a rude demeanor.

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

**FINDINGS OF FACT:** The named officer denied the allegation. Three witness officers said they did not witness the exchange between the named officer and the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant alleged that the officer who filled out the form regarding his detention lied when he wrote the complainant was walking in traffic. The named officer said he did not recall if he wrote that the complainant was walking in traffic. Two witness officers said they heard a transmission from dispatch about a man walking in traffic that matched the description of the complainant, and one witness officer said he saw the complainant standing in a traffic lane. A search of department records from the day of the incident revealed no broadcast announcement of a man matching the description of the complainant walking in traffic. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to properly operate a department vehicle.

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

**FINDINGS OF FACT:** The complainant stated the officers drove their police vehicle and double-parked in the street. The complainant said the police vehicle blocked traffic and another vehicle from trying to pull out of a parking space. The officers denied the allegation and stated they did not recall the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated he was falsely arrested. The officers stated the complainant was arrested for theft from a person in a robbery abatement decoy operation. A witness did not respond to requests for an interview. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #4-6:** The officers used unnecessary force by applying handcuffs too tight.

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

**FINDINGS OF FACT:** The complainant stated the officers assaulted him and tried to break his wrists. The officers denied the allegation. The officers said the complainant was cooperative and there was no resistance during the arrest at the scene. A witness did not respond to requests for an interview. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #7:** This allegation raises matters outside OCC's jurisdiction.

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

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

San Francisco's Sheriff's Department  
25 Van Ness Avenue, Room #350  
San Francisco, CA 94102  
(415) 554-2380

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-2:** The officers conducted a detention without justification.

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

**FINDINGS OF FACT:** The complainant was a bystander to a police detention and questioned the lawfulness of the detention. The officers said they had reasonable suspicion to detain and the detainee voluntarily informed them that he was on probation. The investigation was unable to confirm the probation status of the detained individual. The detained individual did not respond to the Office of Citizen Complaints' requests for an interview. There is insufficient evidence to reach a definitive finding.

**SUMMARY OF ALLEGATION #3:** The officer conducted a pat search without cause.

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

**FINDINGS OF FACT:** The complainant was a bystander to a police detention and pat search. The complainant questioned the lawfulness of the officers' actions. The officers said the detainee informed them that he was on probation with a search condition. The officer executed the search based on the probation search condition. The detained individual did not respond to the Office of Citizen Complaints' requests for an interview. A definitive finding cannot be reached.

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

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

**FINDINGS OF FACT:** The complainant said she was cited for stepping off the curb only after being directed by the officer to provide him with a copy of her ID. The officer and witness officer denied the complainant's version of events and said that the complainant stepped into the street during their lawful detention of another and that when the complainant did so she violated the California Vehicle Code. A witness said the complainant only stepped off the curb into the street once and that was at the behest of the officer's request for identification. There were no other available witnesses. There is insufficient evidence to reach a definitive finding.

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

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

**FINDINGS OF FACT:** The complainant, a bystander, said the officer cited her in retaliation for having questioned the lawfulness of his actions. A witness corroborated the complainant's story. The officer and a witness officer disputed the complainant's allegation. There were no other available witnesses. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/26/09 **DATE OF COMPLETION:** 08/22/09 **PAGE #1 of 2**

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

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

**FINDINGS OF FACT:** The complainant declined mediation and failed to respond to further contact attempts. The case could not be properly investigated without the complainant's cooperation.

**SUMMARY OF ALLEGATION #2:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant declined mediation and failed to respond to further contact attempts. The case could not be properly investigated without the complainant's cooperation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/26/09 **DATE OF COMPLETION:** 08/22/09 **PAGE #2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer failed to provide identification upon request.

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

**FINDINGS OF FACT:** The complainant declined mediation and failed to respond to further contact attempts. The case could not be properly investigated without the complainant's cooperation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/30/09 **DATE OF COMPLETION:** 08/19/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The department failed to promptly respond to the scene.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 5, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/02/09      **DATE OF COMPLETION:** 08/30/09      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant viewed an online video recording of officers at a demonstration and based on what he saw on the video, believes the officers used unnecessary force and attacked demonstrators who were standing on the sidewalk and behaving in a peaceful manner. Attempts to contact and interview individuals who were arrested were unsuccessful. Department records state that numerous officers were present and that officers used force after individuals in the crowd attempted to lynch prisoners and attempted to assault officers. Communications records document multiple reports of demonstrators committing acts of vandalism and throwing objects at police officers. All of the officers who used force stated that the force they used was necessary to protect themselves and other officers who were attempting to make arrests amid a large and hostile crowd, and that this force was reported and documented according to Department regulations. Numerous witness officers confirmed this. No civilian witnesses were identified. Careful scrutiny of the videotape by the OCC failed to yield evidence which, by itself, indicated that officers used unnecessary force. There is insufficient evidence to identify specific officers or to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer made an arrest without cause.

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

**FINDINGS OF FACT:** The complainant viewed an online video recording of officers at a demonstration and based on what he saw on the video, he believed the officers arrested individuals who were standing on the sidewalk and behaving in a peaceful manner without cause. Attempts to contact and interview individuals who were arrested at this demonstration were unsuccessful. Department records state that numerous officers were present at this demonstration and that officers arrested individuals who committed acts of vandalism, attempted to lynch prisoners and attempted to assault officers. Communications records document multiple reports of demonstrators committing acts of vandalism and throwing objects at police officers, and indicate that supervisors on the scene authorized officers to arrest individuals committing acts of vandalism. Officers who made or assisted with arrests stated that the individuals who were arrested committed crimes including vandalism, lynching, resisting arrest and battery of a police officer. Witness officers confirmed seeing these violations. No civilian witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/02/09 **DATE OF COMPLETION:** 08/22/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant admitted that after picking up passengers he made an illegal U- turn. The complainant stated he did not feel he was driving unsafe because there was no oncoming traffic. The officer observed the complainant make the illegal U-turn and affected a traffic stop for the offense. Another officer who was also in the police vehicle observed the complainant make the illegal U-turn. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant stated the officer yelled at him during the traffic stop and made inappropriate comments. The officer denied the allegation and stated his demeanor was professional during the incident. Another officer did not hear the named officer raise his voice or make the alleged comments. The witness officer further stated the named officer's demeanor was professional during the incident. No independent witnesses came forward during the investigation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**DATE OF COMPLAINT:** 04/2/09    **DATE OF COMPLETION:** 08/22/09    **PAGE#** 2 of 2

**SUMMARY OF OCC ADDED ALLEGATIONS #1-2:** The officers failed to make the required E585 data entry.

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

**FINDINGS OF FACT:** The named officers affected a traffic stop for an illegal U-turn. The officers admitted to not making the required E585 data entry. Both officers stated that at the time this contact occurred, they had been advised by their supervisor, that they were not required to make the E585 entry due to the specialty of their assignment. The officers stated that on a date after this contact, the same supervisor apprised them that all officers were now required to make E585 data entry regardless of their assignments. The officers stated that after their supervisor advised them of the requirement to make the E585 entries, they have complied. The Office of Citizen Complaints corroborated that the officers had been trained in the manner they stated. The evidence proved that the action complained of was the result of inadequate or inappropriate training; or an absence of training when viewed in light of departmental policy and procedures.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/03/09    **DATE OF COMPLETION:** 08/15/09    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant, the manager of a taxicab company, stated that the named officer stopped one of his firm's drivers for a traffic violation and determined that he was driving with a suspended driver's license. The complainant stated that a representative of the taxicab company went to the scene of the traffic stop but the officer would not release the taxicab to him and instead had the taxicab towed. Department regulations state that a commercial vehicle may be released to an agent of the company who is a licensed driver, but does not mandate such a release. The named officer stated that the taxicab company representative arrived at the scene after the vehicle had been hooked up to the tow truck. The named officer stated that he believed that unhooking the vehicle from the tow truck would violate the tow truck's agreement with the towing company and would result in the tow truck driver not being compensated for his time and work. The named officer stated his exercise of discretion not to release the taxicab did not violate Department regulations. The release of the vehicle in this case was discretionary and the named officer's failure to release it did not violate Department regulations.

**SUMMARY OF ALLEGATION #2:** The officer towed a vehicle without cause.

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

**FINDINGS OF FACT:** The complainant, the manager of a taxicab company, stated that the named officer stopped one of his firm's drivers for a traffic violation and determined that he was driving with a suspended driver's license. The named officer then had the taxicab towed. The complainant stated that he did not think the named officer obtained the approval of a supervisor for the tow, which is required by Department regulations. Department Records establish that the named officer obtained a supervisor's approval for the tow. Therefore the named officer's actions were proper and legal.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/28/09 **DATE OF COMPLETION:** 08/15/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The comments and behavior of the officer were inappropriate.

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

**FINDINGS OF FACT:** The complainant did not respond to OCC contacts and did not provide needed information to continue the investigation. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant did not respond to OCC contacts and did not provide needed information to continue the investigation. There is insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/07/09    **DATE OF COMPLETION:** 08/15/09    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer grabbed the complainant's arm and told her to move without cause.

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

**FINDINGS OF FACT:** The complainant stated she saw police officers who had several juveniles lined up against a wall. The complainant stopped and asked one of the officers why they were harassing children. An officer approached the complainant, grabbed her by the arm and told her she needed to move away, that she was interfering with the investigation by talking to the officer. The named officer stated he told the complainant several times that she needed to stand to the side, but she refused and continued to scream at him. The named officer placed his left hand on the back of the complainant's arm and guided her to a position approximately fifteen feet away from the officer and the suspect he was watching. The complainant acknowledged responding to the named officer in a loud, angry and abusive manner. Under the circumstances, the named officer's actions in physically escorting the complainant, who was being verbally and physically resistant, a short distance from the area of the detention were lawful and proper.

**SUMMARY OF ALLEGATION #2:** The officer used profanity.

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

**FINDINGS OF FACT:** The named officer denied making the profane statement. In evaluating available evidence and the relative credibility of the complainant and the named officer, there is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/08/09 **DATE OF COMPLETION:** 08/22/09 **PAGE #1 of 1**

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer(s) failed to take required action. The identity of the alleged officer(s) was not established. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

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

**FINDINGS OF FACT:** In her complaint filed via the phone with district station personnel, the complainant stated the officers pulled her over for “no probable cause.” The complainant did not respond to the numerous OCC’s requests for an interview. The named members maintained that they stopped the complainant because she was parked in a handicap crosswalk. There were no other identifiable witnesses to this occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** In her complaint filed over the phone with district station personnel, the complainant stated that she was cited without any probable cause. The complainant did not respond to the numerous OCC’s requests for an interview. The named member insisted that he cited the complainant for parking in a handicap crosswalk and for driving with suspended license. The officer’s partner supported this statement. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.



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**DATE OF COMPLAINT:** 04/09/09    **DATE OF COMPLETION:** 08/15/09    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer failed to take an incident report and to properly supervise.

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

**FINDINGS OF FACT:** The complainant stated that she went to the police station to file an identity theft report, and that the named officer had a Police Service Aid take the report rather than taking it herself. The named officer stated that she was working as the Station Keeper when the complainant came to the station asking to file an identity theft report, and that she told the complainant a Police Service Aid would take the report. The named officer stated that one of the specific job functions of the Police Service Aids is to make counter reports at police stations. The Police Service Aid who took the complainant's report stated that when he smiled and greeted the complainant upon her entry to the station, the complainant berated him, saying that he was laughing at her situation, and asked to speak to an officer. There is no policy about Police Service Aids taking reports. The evidence established that the named officer ensured that the complainant's report was taken, and that having a Police Service Aid take the report did not violate Department regulations or policies. The evidence also established that the presence of officers in the business office of the station at the time the complainant was present was not a violation of Department regulations. The evidence established that the acts which provided the basis for the allegation occurred; however, such acts were proper.

**SUMMARY OF ALLEGATION #2:** The officer exhibited an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant stated that she telephoned the police station and spoke to an officer who laughed about the fact that she was unable to look up a police report for the complainant. The named officer stated that she spoke by telephone with the complainant, who asked for the whereabouts of a specific officer, a sergeant and a lieutenant. The named officer told the complainant the officer and the sergeant were assigned to that station but the lieutenant was not. The complainant demanded to know where the lieutenant had gone. The named officer told the complainant she could not determine that because the computers at the station containing that information was not working at the time, and that the complainant laughed in response. A preponderance of the evidence established that the named officer did not exhibit an inappropriate manner.

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**DATE OF COMPLAINT:** 04/09/09    **DATE OF COMPLETION:**08/15/09    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that she saw several officers in the business office of the police station talking with the Station Keeper and laughing. The Station Keeper was able to recall the identity of one of the officers who was present in the business office at the time, who she said was there discussing charges in a previous case. That officer's Unit History indicates that at the time, she had just reported completion of an administrative assignment at the police range which she had advised Communications of, and that her unit was available for assignments. The named officer's presence at the police station was not a violation of Department regulations. The evidence established that the acts which provided the basis for the allegation occurred; however, such acts were proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 03/19/09    **DATE OF COMPLETION:** 08/28/09    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** In one instance, the officer denied making an inappropriate comment, and in another he did not recall the conversation described by the complainant. Another officer at the scene did not hear the conversation between the complainant and the named officer. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/03/08    **DATE OF COMPLETION:** 08/11/09    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer's conduct reflects a conflict of interest.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/03/08    **DATE OF COMPLETION:** 08/11/09    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer's conduct reflects a conflict of interest.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 05/12/09 **DATE OF COMPLETION:** 08/15/09 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officer denied that an assault incident occurred at the school. The complainant felt the officer fabricated the incident and did not side with her. The complainant further alleged the incident report inaccurately listed her as the suspect and not the victim. The officer denied the allegation and stated he interviewed involved parties and gathered written statements from the complainant's daughter. The witnesses were not able to corroborate the complainant's allegation. The evidence showed the officer's actions were proper.

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

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

**FINDINGS OF FACT:** The complainant stated the officer refused to give her a copy of the statement she submitted. The officer stated the complainant returned a few days later to the station and requested her statement back. The officer stated the complainant submitted her written statement as evidence to the incident report. The officer's action was lawful, justified and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/20/09 **DATE OF COMPLETION:** 08/28/09 **PAGE#** 1 of 1

**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 proprietor of a liquor store assaulted him as he opened one of the refrigerator cases inside the store. The complainant called the police and several officers responded. The complainant stated the named officer failed to take appropriate action in response to the complainant's report of assault. The named officer stated that he responded as a backup officer, and that the first officer on the scene interviewed the complainant, the liquor store proprietor and several witnesses while the named officer remained outside the store with the complainant. The first officer on the scene confirmed this and stated that the complainant walked away from the scene. Another witness officer confirmed the account of the first officer on the scene. The complainant admitted he was intoxicated at the time of his encounter with the named officer. The evidence established that the named officer was not the investigating officer at the scene, and therefore was not responsible for determining what police action, if any, should be taken. Therefore, the named officer's actions were proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/19/09 **DATE OF COMPLETION:** 08/22/09 **PAGE #1** of 2

**SUMMARY OF ALLEGATION #1:** For racially biased policing.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 17, 2009.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 17, 2009.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/19/09 **DATE OF COMPLETION:** 08/22/09 **PAGE #2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer failed to prepare a report.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 17, 2009.

**SUMMARY OF ALLEGATION #4:** The officer failed to receive a citizen arrest.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 17, 2009.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/20/09 **DATE OF COMPLETION:** 08/29/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer copied a document without justification.

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

**FINDINGS OF FACT:** The complainant stated that he has had an ongoing dispute with the management of his residential hotel over allegations that he bakes marijuana brownies in the communal kitchen. The complainant stated that after police officers knocked on his door, he stepped outside to speak with them and showed them a doctor's letter recommending that he use marijuana for medical purposes. One of the officers made a copy of this letter, which the complainant did not object to at the time. The police report states that the hotel manager told them of an ongoing problem with the complainant cooking marijuana brownies in the communal kitchen, which has generated complaints from other tenants. It states that the complainant showed the responding officers his doctor's letter, that the hotel manager made a copy of it for them and that they returned the letter to the complainant. It indicates that they took no enforcement action, although they documented the encounter in a report and attached the letter as evidence. The evidence established that the complainant offered the doctor's letter to the officer during a consensual encounter concerning an ongoing issue. The letter constituted evidence that the complainant could possess and use marijuana for medical purposes, and had potential bearing on future calls to police by hotel management concerning the complainant. Under the circumstances, the officer's copying of the letter did not violate any laws of Department Regulations. The action complained of was proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/20/09 **DATE OF COMPLETION:** 08/29/09 **PAGE#** 1 of 5

**SUMMARY OF ALLEGATION #1-2:** The officers entered the complainant's residence without justification.

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

**FINDINGS OF FACT:** The complainant stated that as she and her husband were having a verbal argument, officers entered her bedroom, located inside a flat with several bedrooms, without justification. The complainant stated that when the officers opened the bedroom door, she told them that they needed a search warrant to enter. The officers stated that they responded to a call of a loud argument at the complainant's home, and heard screaming coming from the complainant's room when they arrived. They opened the door to the bedroom shared by the complainant and her husband to determine whether a crime had been or was being committed, and to render aid if necessary. Communications records confirm that one of the complainant's neighbors reported screaming and the sound of things being thrown around. Under the circumstances, the officers were justified by exigent circumstances in entering the complainant's room. The evidence established that the officers' actions were lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant and her husband, who is a co-complainant, stated that the officer used unnecessary force on the complainant. The complainant stated that the officer grabbed her by the hair and swung her around the room repeatedly, dug his fingers into pain compliance points on her shoulder and arms and stomped on the side of her temple with his foot. The co-complainant confirmed seeing the named officer swing his wife around by the hair and use pain compliance pressure, but did not see him stomp on her temple. The named officer stated he grabbed the complainant's hair and used a hair pull takedown to take her to the floor after she attacked him. He denied using pain compliance holds or stomping on the complainant's temple. Two other officers who were present at the time confirmed his account. Another officer who was present at the time has resigned from the Department and was unavailable for an interview. The complainant's jail medical records document a complaint of left shoulder and arm pain, but no bruising, abrasions or swelling was observed. There were no other witnesses to the physical interaction between the complainant and the named officer. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 05/20/09 **DATE OF COMPLETION:** 08/29/09 **PAGE#** 2 of 5

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

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

**FINDINGS OF FACT:** The complainant stated that the officer arrested her without cause. The named officer stated that the complainant was arrested for assaulting an officer and for resisting arrest. One of the officers who was first on the scene stated that the complainant assaulted her and resisted arrest. Two other officers who arrived soon afterwards stated that the complainant was resisting arrest. Another witness officer has resigned from the Department and was unavailable for an interview. The complainant denied assaulting an officer or resisting arrest. The complainant's husband, who is a co-complainant, denied that the complainant assaulted an officer or resisted arrest. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #5:** The officer intentionally damaged property.

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

**FINDINGS OF FACT:** The complainant and co-complainant stated that the named officer intentionally stepped on a laptop computer that was on the floor while arresting the complainant and detaining her husband, the co-complainant. The named officer denied the allegation. Witness officers stated that they did not see any officer come into contact with a laptop computer on the floor. The complainant described the room as being small and very crowded and photographs of the room indicate that it was crowded with numerous items on the floor. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 05/20/09 **DATE OF COMPLETION:** 08/29/09 **PAGE#** 3 of 5

**SUMMARY OF ALLEGATION #6:** The officer failed to read the complainant a Miranda admonition.

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

**FINDINGS OF FACT:** The complainant stated that the named officer failed to read her a Miranda admonition. The evidence established that the named officer did not question the complainant and that therefore he was not required to give her a Miranda admonition. The evidence established that the officer's actions were proper.

**SUMMARY OF ALLEGATION #7:** The officer used unnecessary force on the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the named officer used unnecessary force on her by striking the complainant on the back with a baton and placing her body weight on the complainant's back to hold her down. The co-complainant confirmed seeing the officer strike the complainant with a baton. The named officer denied using the force alleged. Witness officers stated that they did not see any officer wielding their baton and described the complainant as resisting being handcuffed. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/20/09 **DATE OF COMPLETION:** 08/29/09 **PAGE#** 4 of 5

**SUMMARY OF ALLEGATION #8:** The officer detained and handcuffed the co-complainant without justification.

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

**FINDINGS OF FACT:** The co-complainant stated that he and his wife were having a prolonged argument in their home. One of the officers who responded to his home detained and handcuffed him without justification. The co-complainant admitted moving towards his wife, whom officers were restraining and handcuffing, and attempting to grab her ankle. The named officer stated that she responded to a report of a person screaming for help. When the officer arrived, the complainant assaulted her and resisted arrest, and the co-complainant interfered by moving between her and the complainant. The officer then handcuffed the co-complainant and released him a short time later. Other officers who were present described the complainant resisting the officers. The complainant described the bedroom where this encounter took place as being small and very crowded and photographs of the room indicate that it was crowded with numerous items on the floor. The evidence established that under the circumstances, the handcuffing and brief detention of the co-complainant was proper.

**SUMMARY OF ALLEGATION #9:** The officer made inappropriate statements to the co-complainant.

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

**FINDINGS OF FACT:** The co-complainant, an immigrant to the United States, was involved in a domestic argument with his wife, who was arrested for assaulting an officer and resisting arrest. The co-complainant stated that the officer who detained him told him that if he signed a certain paper, his wife would be charged with treating him badly and he would be able to obtain his green card earlier. A friend of the complainant who was staying at her home stated that the co-complainant told her that the officer offered him a document indicating that his wife had been arrested for assaulting a police officer, and said that this would enable him to obtain his green card if they got divorced. The named officer stated that she informed the co-complainant about a United States Citizenship and Immigration Service Form, which allows individuals who are victims of certain crimes to qualify for temporary immigration benefits. The evidence established that the officer's action was proper.

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**DATE OF COMPLAINT:** 05/20/09 **DATE OF COMPLETION:** 08/22/09 **PAGE#** 5 of 5

**SUMMARY OF ALLEGATION #10:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated that an unidentified officer used profanity. One officer who was present at the time has resigned from the Department and was unavailable for an interview. The other officers present denied using profanity or hearing any officer use profanity. There is insufficient evidence to identify the officer or to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #11:** The officer made a sexual slur.

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

**FINDINGS OF FACT:** The complainant stated that an unidentified officer uttered a sexual slur. One officer who was present at the time has resigned from the Department and was unavailable for an interview. The other officers present denied using a sexual slur or hearing any officer utter a sexual slur. There is insufficient evidence to identify the officer or to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/17/09    **DATE OF COMPLETION:** 08/15/09    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant failed to respond to numerous contact attempts. The complainant failed to provide additional requested evidence.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/24/09 **DATE OF COMPLETION:** 08/15/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officer made inappropriate comments and was short and agitated with him. The officer denied the allegation and said he was polite and professional throughout the contact. There were no witnesses to the contact between the complainant and the officer. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 05/21/09 **DATE OF COMPLETION:** 08/29/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The officer denied the allegation. He denied saying anything inappropriate to the complainant. There were no witnesses to their conversation and no additional evidence to further prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer denied the allegation. He stated his report accurately stated what the complainant told him. There were no witnesses to the officer's interview of the complainant and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/26/09 **DATE OF COMPLETION:** 08/15/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant's son did not participate in the investigation. A friend of the complainant's son stated that he was with a group of young men, including the complainant's son, who committed a street robbery. He stated the complainant's son was present at the robbery but did not steal the woman's cell phone. During a cold show, the victim positively identified the complainant's son as the person who grabbed her arm during the robbery. The victim's cell phone was discovered in the pocket of the co-complainant's son. The officers had probable cause to conduct the arrest. The officers' conduct was proper.

**SUMMARY OF ALLEGATIONS#3-4:** The officers arrested the co-complainant's son without cause.

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

**FINDINGS OF FACT:** The co-complainant's son did not participate in the investigation. A friend of the co-complainant's son stated that he was with a group of young men, including the co-complainant's son, who committed a street robbery. He stated the co-complainant's son was present at the robbery but did not steal the woman's cell phone. During a cold show, the victim positively identified the co-complainant's son as the person who stole her cell phone. Her cell phone was located in his pocket. The officers had probable cause to conduct the arrest. The officers' conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/04/09 **DATE OF COMPLETION:** 08/28/09 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 20, 2009.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 20, 2009

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/01/09 **DATE OF COMPLETION:** 08/03/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 28, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/05/09 **DATE OF COMPLETION:** 08/28/09 **PAGE #1** of 1

**SUMMARY OF ALLEGATION #1-2:** The officer used cited the complainant without cause.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 19, 2009.

**SUMMARY OF ALLEGATION #3-4:** For racially biased policing.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 19, 2009

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/05/09 **DATE OF COMPLETION:** 08/15/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant decided to withdraw the complaint.

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

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

**FINDINGS OF FACT:** The complainant decided to withdraw the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/08/09 **DATE OF COMPLETION:** 08/22/09 **PAGE #1** of 3

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 20, 2009.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 20, 2009.



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**DATE OF COMPLAINT:** 06/08/09 **DATE OF COMPLETION:** 08/22/09 **PAGE #2** of 3

**SUMMARY OF ALLEGATION #3:** The officer issued an invalid order.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 20, 2009.

**SUMMARY OF ALLEGATION #4:** For racially biased policing.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 20, 2009.

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**DATE OF COMPLAINT:** 06/08/09 **DATE OF COMPLETION:** 08/22/09 **PAGE #3** of 3

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 20, 2009.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 06/14/09    **DATE OF COMPLETION:** 08/17/09    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** Office of Citizen Complaints made numerous attempts to contact the complainant, to no avail. The complainant failed to provide additional requested evidence.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/17/09 **DATE OF COMPLETION:** 08/19/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 12, 2009

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 06/22/09    **DATE OF COMPLETION:** 08/29/09    **PAGE#** 1 of 2

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

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

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

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

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

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

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**DATE OF COMPLAINT:** 06/22/09    **DATE OF COMPLETION:** 08/19/09    **PAGE#** 2 of 2

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

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

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

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 06/26/09    **DATE OF COMPLETION:** 08/15/09    **PAGE#** 1 of 1

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

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

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

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

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

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

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**DATE OF COMPLAINT:** 06/30/09    **DATE OF COMPLETION:** 08/15/09    **PAGE#** 1 of 4

**SUMMARY OF ALLEGATIONS #1-2:** The officers behaved in a racially biased manner and made racially biased comments to the complainant.

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

**FINDINGS OF FACT:** The complainant brought forward issues that are outside the jurisdiction of the Office of Citizen Complaints. This complaint was forwarded to the San Francisco Police Department's Management Control Division.

**SUMMARY OF ALLEGATIONS #3-4:** The officers made sexually derogatory comments to the complainant.

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

**FINDINGS OF FACT:** The complainant brought forward issues that are outside the jurisdiction of the Office of Citizen Complaints. This complaint was forwarded to the San Francisco Police Department's Management Control Division.



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**SUMMARY OF ALLEGATIONS #5-6:** The officers behaved inappropriately and made comments that were threatening and inappropriate.

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

**FINDINGS OF FACT:** The complainant brought forward issues that are outside the jurisdiction of the Office of Citizen Complaints. This complaint was forwarded to the San Francisco Police Department's Management Control Division.

**SUMMARY OF ALLEGATIONS #7-8:** The officers failed to provide medical attention upon request.

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

**FINDINGS OF FACT:** The complainant brought forward issues that are outside the jurisdiction of the Office of Citizen Complaints. This complaint was forwarded to the San Francisco Police Department's Management Control Division.

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**SUMMARY OF ALLEGATIONS #9-10:** The officers issued an invalid order.

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

**FINDINGS OF FACT:** The complainant brought forward issues that are outside the jurisdiction of the Office of Citizen Complaints. This complaint was forwarded to the San Francisco Police Department's Management Control Division.

**SUMMARY OF ALLEGATIONS #11-12:** The officers failed to provide medical accommodation to the complainant.

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

**FINDINGS OF FACT:** The complainant brought forward issues that are outside the jurisdiction of the Office of Citizen Complaints. This complaint was forwarded to the San Francisco Police Department's Management Control Division.

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**SUMMARY OF ALLEGATION #13:** The officer(s) failed to take required action.

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

**FINDINGS OF FACT:** The complainant brought forward issues that are outside the jurisdiction of the Office of Citizen Complaints. This complaint was forwarded to the San Francisco Police Department's Management Control Division.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 07/06/09 **DATE OF COMPLETION:** 08/11/09 **PAGE#** 1 of 1

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

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

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

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

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

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

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

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

**FINDINGS OF FACT:** Office of Citizen Complaints made numerous attempts to contact the complainant, to no avail. 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 failed to take required action.

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

**FINDINGS OF FACT:** The complainant alleged that the officer failed to write an incident report. The officer denied the allegation and said that the complainant walked away from him. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer threatened to tow the complainant's vehicles without giving him required notice.

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

**FINDINGS OF FACT:** The officer stated she contacted the complainant in the past about violations of 37(a) Traffic Code. She stated she was posting notices when the complainant approached her. She did not give him a notice because the complainant said he would move his vehicles. Department General Order 9.01 gives officers discretion when issuing tickets. According to the officer, the complainant told her that he understood that his vehicles needed to be moved. The officer felt there was no need to also post a warning. There were no witnesses and no additional evidence to further 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 alleged that the officer had a duty to identify two individuals in his incident report. The officer stated he did not identify the suspect on the incident report because he never had contact with the suspect, and witnesses were unable to identify him. The officer further stated he did not identify a reportee on the incident report because he spoke to the reportee twenty-five minutes before the complainant approached him and asked him to prepare an incident report. The reportee refused to provide her identity to the officer. At the time he had contact with the reportee, the officer had no reason to request her identity. The officer's conduct was proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-2:** The officers prepared an inaccurate incident report.

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

**FINDINGS OF FACT:** The complainant alleged that the incident report was inaccurate in two places. First, he told the officers that he told a joke, not an ethnic joke. However, during his Office of Citizen Complaints interview, he stated he told the officers that he told an ethnic joke.

Secondly, the complainant alleged the report was inaccurate because it stated that he was punched on the left side of his face. In fact, the complainant said he was actually punched on the left side of his mouth. However, the left of the side of the face includes the left side of the mouth.

Based upon the evidence presented, the incident report was accurate. The officers' conduct was proper.

**SUMMARY OF ALLEGATIONS #3-4:** The officers failed to conduct a cold show.

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

**FINDINGS OF FACT:** The officers stated that they conducted a thorough search for the suspect but were unable to locate a suspect. There were no witnesses to provide the officers with a more detailed suspect description, or last known direction of travel. Without the detention of a suspect, they were unable to conduct a cold show. The officers' conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 07/23/09 **DATE OF COMPLETION:** 08/28/09 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 20, 2009.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 20, 2009

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 07/28/09 **DATE OF COMPLETION:** 08/22/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant failed to provide additional evidence to continue the investigation. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officers issued citations without cause.

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

**FINDINGS OF FACT:** The complainant wrote that motorists were being unfairly cited for not yielding to pedestrians. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, the acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated he observed a large group of officers “lounging about” a coffee shop for approximately one hour. The investigation revealed that, during the officers’ 6:00 P.M. briefing, the captain directed the officers to eat and have coffee immediately after the briefing because they would not be given any meal breaks or any other type of break for the next ten hours. The officers were maintaining squad integrity and going over their assignments while obtaining something to eat. The officers’ conduct was proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

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

Investigative Services  
San Francisco Sheriff's Department  
25 Van Ness Avenue, Room #350  
San Francisco, CA 94102

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/05/08 **DATE OF COMPLETION:** 08/22/09 **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION #2:** The officer threatened the complainant, behaved inappropriately and/or made inappropriate comments.

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

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



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/11/09 **DATE OF COMPLETION:** 08/15/09 **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

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

District Attorney  
District Attorney's Office  
850 Bryant Street, 3rd Floor  
San Francisco CA, 94103

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/06/09 **DATE OF COMPLETION:** 08/29/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer detained the complainant based on racially biased policing.

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/10/09 **DATE OF COMPLETION:** 08/29/09 **PAGE#** 1 of 1

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

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

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

Investigative Services Unit  
San Francisco Sheriff's Department  
25 Van Ness Avenue, Suite 350  
San Francisco, CA 94102

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/14/09 **DATE OF COMPLETION:** 08/22/09 **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1:** The officer hit the complainant with a Department vehicle.

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

**FINDINGS OF FACT:** The complainant alleged that, during the course of his arrest, he was struck by a Department vehicle. He stated he suffered abrasions to his right shoulder, right hip and left hand. According to his medical records, the complainant had no injuries to his right shoulder or left hand, just abrasions to his knees. The named officer stated that, as the complainant was running and approaching a curb, he tripped and fell. Two other officers in the patrol car confirmed this account. Five additional officers who responded to the scene stated they did not see a patrol car strike the complainant. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/18/09    **DATE OF COMPLETION:** 08/19/09    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** This complaint raises matters outside Office of Citizen Complaints's jurisdiction.

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

**FINDINGS OF FACT:** This complaint raises matters outside Office of Citizen Complaints's jurisdiction. This complaint has been referred to:

San Francisco Park Ranger  
McLaren Lodge & Annex  
501 Stanyan Street  
San Francisco, CA 94117

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/19/09 **DATE OF COMPLETION:** 08/22/09 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded to the San Francisco Sheriff's Department  
Investigative Services  
25 Van Ness Avenue, #350  
San Francisco, CA 94102

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/24/09 **DATE OF COMPLETION:** 08/29/09 **PAGE#** 1 of 1

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

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

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

San Francisco State University Police Department  
1600 Holloway Avenue  
San Francisco, CA 94132

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

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

Head Park Ranger  
San Francisco Recreation and Parks Department  
811 Stanyan Street  
San Francisco CA

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/27/09 **DATE OF COMPLETION:** 08/29/09 **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/27/09 **DATE OF COMPLETION:** 08/29/09 **PAGE#** 1 of 1

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

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

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

Investigative Services Unit  
San Francisco Sheriff's Department  
25 Van Ness, Rm. 350  
San Francisco, CA

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/26/08 **DATE OF COMPLETION:** 08/11/09 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The recipient of the comments and conduct was unavailable. The officer denied the allegation. There were no other available witnesses. There is insufficient evidence to reach a definitive finding.

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

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

**FINDINGS OF FACT:** The notice requirements referred to in this allegation fall within the purview of the Chief of Police. The named member said that she was advised that the Chief changed the written notice requirement and replaced it with a website. There is no evidence to support the allegation that the named member neglected her duty as the duty in question originates outside of her authority.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/26/08      **DATE OF COMPLETION:** 08/11/09      **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer failed to follow proper procedures.

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

**FINDINGS OF FACT:** The admonishments made by the officer were proper in as much as the complainant, by his own admission, was operating his pushcart away from his authorized location. Although there is no prohibition against leasing a pushcart, the codes suggest that permits are personal to the permit holder as evidenced by the codes prohibition against the transfer of permits. The fact that the complainant has knowingly operated away from his permitted area for a prolonged period of time and done so without department action and the fact that the codes are silent to the leasing of pushcart permits prevents this investigation from reaching a dispositive finding.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

:

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/01/08    **DATE OF COMPLETION:** 08/15/09    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer failed to prepare an accurate arrest warrant declaration.

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

**FINDINGS OF FACT:** The complainant alleged that the officer falsely stated on an arrest warrant declaration that the complainant was on active parole.

On January 22, 2007, the officer prepared an arrest warrant declaration stating that the complainant was currently on active parole. The California Department of Corrections informed this office that the complainant was discharged from parole on February 8, 2006. However, the officer provided a copy of a CLETS search he conducted on January 22, 2007. That search provided a parole discharge date of "99999999." The officer stated that, based on his training and experience, a discharge date of "99999999" indicated that the parolee had not checked in with his parole agent and was at large. The officer did not have a duty to contact the California Department of Corrections. The officer's reliance on the CLETS information was proper.

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

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

**FINDINGS OF FACT:** The complainant stated the officer failed to properly segregate marked city funds used in a narcotics transaction involving the complainant. Attached to the incident report is a time-stamped copy of four twenty-dollar bills to be used to conduct drug transactions, marked "Before." Also attached to the report is a time-stamped copy of the twenty-dollar bill used in the drug transaction with the complainant, marked "After." The marked city fund used during the complainant's arrest were properly segregated.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/14/08      **DATE OF COMPLETION:** 08/24/09      **PAGE#** 1 of 6

**SUMMARY OF ALLEGATIONS #1-2:** The officer used unnecessary force by kicking and/or choking the complainant during the detention.

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

**FINDINGS OF FACT:** The officers located a suspect (complainant) identified by the victim of a robbery. The officers went to the complainant's address and attempted to have the suspect/complainant submit to a voluntary interview. However, the complainant refused a voluntary interview, denied officers entry inside his residence and told the officers to leave the premises. Later, the officers forcibly entered the suspect's residence, without an arrest or search warrant, and detained all of the occupants. The complainant and other occupants of the residence alleged officers hit, kicked and choked the complainant after officers made entry. The officers denied hitting, kicking or choking the suspect. No independent witnesses or corroborating evidence was developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #3:** The officer recklessly used his firearm.

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

**FINDINGS OF FACT:** The officers located a suspect (complainant) identified by the victim of a robbery. The officers went to the complainant's address and attempted to have the suspect/complainant submit to a voluntary interview. However, the complainant refused a voluntary interview, denied officers entry inside his residence and told the officers to leave the premises. Later, the officers forcibly entered the suspect's residence, without an arrest or search warrant, and detained all of the occupants. The complainant and another occupant of the residence alleged officers forced the complainant to the floor and pointed the barrel of the rifle against the head of the complainant while the complainant was lying on the floor. The officers denied this allegation. No independent witnesses or corroborating evidence was developed to support the complainant's allegations. There is insufficient evidence to either prove or disprove the allegations.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/14/08      **DATE OF COMPLETION:** 08/24/09      **PAGE#** 2 of 6

**SUMMARY OF ALLEGATIONS #4:** The officer failed to provide for the care and custody of the complainant.

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

**FINDINGS OF FACT:** Allegedly during the process of detaining the complainant, officers hit, kicked and choked the complainant. The complainant said he suffered an asthma attack, but officers allegedly refused to give the complainant the complainant's inhaler for relief. Officers could not responsibly give the complainant a personal property item to use without the officers knowing what was contained inside the item. Official documents disclose paramedics were at the scene to render medical assistance if needed, and a police official said he summoned paramedics to render medical assistance. Evidence indicates the complainant did not suffer any further respiratory distress. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATIONS #5-8:** The officer entered the complainant's residence without cause and with use of a flash grenade.

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

**FINDINGS OF FACT:** The officers located a suspect (complainant) identified by the victim of a robbery. The officers went to the complainant's address and attempted to have the suspect/complainant submit to a voluntary interview. However, the complainant refused a voluntary interview, denied officers entry inside his residence and told the officers to leave the premises. Based on the nature of the crime, photo-spread identification by the victim, the complainant's criminal record, exigent circumstances and other factors, officers forcibly entered the complainant's residence with the use of a flash grenade even though officers did not possess an arrest or search warrant. Later, at a "Cold Show" appearance, the victim did not identify the complainant as a participant in the robbery, and the complainant was released. Although the complainant has alleged the entry was illegal, a legal opinion obtained disclosed officers acted reasonably based on information the officers had developed. Consequently, officers were justified in forcibly entering the residence to arrest the complainant. Department policy also justifies use of a flash grenade as a diversionary tactic to temporarily stun unwilling occupants. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/14/08      **DATE OF COMPLETION:** 08/24/09      **PAGE#** 3 of 6

**SUMMARY OF ALLEGATION #9-12:** The officer detained the complainant without cause.

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

**FINDINGS OF FACT:** The officers located a suspect (complainant) identified by the victim of a robbery. The officers went to the complainant's address and attempted to have the suspect/complainant submit to a voluntary interview. However, the complainant refused a voluntary interview, denied officers entry inside his residence and told the officers to leave the premises. Based on the nature of the crime, photo-spread identification by the victim, the complainant's criminal record, exigent circumstances and other factors, officers forcibly entered the complainant's residence, without an arrest or search warrant, in order to arrest the complainant. Later, at a "Cold Show" appearance, the victim did not identify the complainant as a participant in the robbery, and the complainant was released. Although the complainant has alleged the arrest was illegal, a legal opinion obtained disclosed officers reasonably acted based on information the officers had developed. Consequently, officers were justified in arresting the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATIONS #13-14:** The officer seized property without cause.

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

**FINDINGS OF FACT:** Based on the nature of the crime, photo-spread identification by the victim, the complainant's criminal record, exigent circumstances and other factors, officers located a suspect (complainant) and forcibly entered the complainant's residence, without an arrest or search warrant, in order to arrest him. As a result of the forced entry, officers seized an item of personal property, belonging to the complainant, which officers believed was connected to the robbery. Later, at a "Cold Show" appearance, the victim did not identify the complainant as a participant in the robbery, and the complainant was released. The complainant has alleged the personal property item should be returned to him since he is no longer considered a suspect in this crime. The officer booked the property item into evidence and the investigation was assigned to the Investigations Division. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/14/08    **DATE OF COMPLETION:** 08/24/09    **PAGE#** 4 of 6

**SUMMARY OF ALLEGATIONS #15:** The officer seized property without cause.

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

**FINDINGS OF FACT:** Based on the nature of the crime, photo-spread identification by the victim, the complainant's criminal record, exigent circumstances and other factors, officers located a suspect (complainant) and forcibly entered the complainant's residence, without an arrest or search warrant, in order to arrest him. As a result of the forced entry, officers seized an item of personal property, belonging to the complainant, which officers believed was connected to the robbery. Later, at a "Cold Show" appearance, the victim did not identify the complainant as a participant in the robbery, and the complainant was released. The complainant has alleged the personal property item should be returned to him since he is no longer considered a suspect in this crime. An officer has attempted to examine this personal property item before releasing it to the complainant, but was unable to examine it on department-owned equipment. Consequently, the officer continues to keep the item until it can be satisfactorily examined. 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 ALLEGATIONS #16-17:** The officer displayed inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** During the process of executing a "forced entry" operation and arresting the complainant, officers allegedly made inappropriate comments about the complainant's ethnic origin. The officer also allegedly made a sexually derogatory gesture when the complainant expressed that an officer slapped him. Another occupant of the residence saw the sexually derogatory gesture, but officers denied making or seeing the gesture. No independent witnesses or corroborating evidence was developed to support the complainant's allegations. There is insufficient evidence to either prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/14/08    **DATE OF COMPLETION:** 08/24/09    **PAGE#** 5 of 6

**SUMMARY OF ALLEGATIONS #18-20:** The officer failed to Mirandize the complainant.

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

**FINDINGS OF FACT:** The complainant stated he was arrested for a robbery he did not commit, and he was not provided a Miranda warning after he was arrested. Officers stated the complainant was Mirandized but not interrogated. Police reports do not indicate the complainant was ever asked or made any statements while in custody. Later, at a “Cold Show” appearance, the robbery victim did not identify the suspect as a participant in the robbery, and the suspect was released. Whether the complainant was given his Miranda warning is not relevant. Officers did not have to Mirandize the complainant unless they were about to interrogate him, and investigative reports do not reveal the complainant was interrogated. The acts, which provided the basis for the allegations, may have occurred; however, such acts, even if omitted, were justified, lawful and proper.

**SUMMARY OF ALLEGATIONS #21-22:** The officer failed to provide a name and star number.

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

**FINDINGS OF FACT:** Allegedly during the process of arresting the complainant, an officer struck the complainant in the face with the palm of the officer’s hand. When the complainant allegedly asked for the officer’s name and badge number, the officer refused to give the complainant this information. The officer said he (the officer) did not initially give the complainant the requested information because police were still in the process of clearing the residence due to a “forced entry” operation the officers were executing. The officer said when the residence was cleared and deemed safe, the complainant was later provided the officer’s name and badge number. The officers’ identifying information also appears on the Complaint Form, which had been completed at the scene of the incident by another officer. A copy was also subsequently furnished to the complainant. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/14/08    **DATE OF COMPLETION:** 08/24/09    **PAGE#** 6 of 6

**SUMMARY OF ALLEGATION #23:** The officer used profanity during the detention.

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

**FINDINGS OF FACT:** The complainant alleged the officer used profanity during the process of executing a “forced entry” operation and arresting the complainant inside the complainant’s residence. In an interview with the officer, the officer denied using profanity. No independent witnesses or corroborating evidence was developed to support the complainant’s allegation. There is insufficient evidence to either prove or disprove the allegations.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/23/08 **DATE OF COMPLETION:** 08/15/09 **PAGE#** 1 of 6

**SUMMARY OF ALLEGATION #1:** The officer arrested the complainant without cause on June 1, 2007.

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

**FINDINGS OF FACT:** The officer stated he arrested the complainant for loitering with intent to commit prostitution and documented the facts that constituted probable cause in his incident report. The complainant denied ever being a prostitute yet acknowledged entering court-ordered therapy for a prostitution-related offense. The complainant's criminal record shows that she had been arrested for the same offense thirty-three times since August 2004. The complainant stated that she had two witnesses, including her mother, but could not provide contact information for them. There was no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer arrested the complainant without cause on June 4, 2007.

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

**FINDINGS OF FACT:** The officer stated he arrested the complainant for loitering with intent to commit prostitution and documented the facts that constituted probable cause in his incident report. The complainant denied ever being a prostitute yet acknowledged entering court-ordered therapy for a prostitution-related offense. The complainant's criminal record shows that she had been arrested for the same offense thirty-three times since August 2004. The complainant stated that she had two witnesses, including her mother, but could not provide contact information for them. There was no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/23/08 **DATE OF COMPLETION:** 08/15/09 **PAGE#** 2 of 6

**SUMMARY OF ALLEGATION #3:** The officer arrested the complainant without cause on June 11, 2007.

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

**FINDINGS OF FACT:** The officer stated he arrested the complainant for loitering with intent to commit prostitution and documented the facts that constituted probable cause in his incident report. The complainant denied ever being a prostitute yet acknowledged entering court-ordered therapy for a prostitution-related offense. The complainant's criminal record shows that she had been arrested for the same offense thirty-three times since August 2004. The complainant stated that she had two witnesses, including her mother, but could not provide contact information for them. There was no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer arrested the complainant without cause on July 11, 2007.

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

**FINDINGS OF FACT:** The officer stated he arrested the complainant for loitering with intent to commit prostitution and documented the facts that constituted probable cause in his incident report. The complainant denied ever being a prostitute yet acknowledged entering court-ordered therapy for a prostitution-related offense. The complainant's criminal record shows that she had been arrested for the same offense thirty-three times since August 2004. The complainant stated that she had two witnesses, including her mother, but could not provide contact information for them. There was no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/23/08 **DATE OF COMPLETION:** 08/15/09 **PAGE#** 3 of 6

**SUMMARY OF ALLEGATION #5:** The officer cited the complainant without cause on August 6, 2007.

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

**FINDINGS OF FACT:** The officer stated he cited the complainant for loitering with intent to commit prostitution and stated the facts that constituted probable cause in his Office of Citizen Complaints interview. The complainant denied ever being a prostitute yet acknowledged entering court-ordered therapy for a prostitution-related offense. The complainant's criminal record shows that she had been arrested for the same offense thirty-three times since August 2004. The complainant stated that she had two witnesses, including her mother, but could not provide contact information for them. There was no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATION #6:** The officer arrested the complainant without cause on August 16, 2007.

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

**FINDINGS OF FACT:** The officer stated he arrested the complainant for loitering with intent to commit prostitution and documented the facts that constituted probable cause in his incident report. The complainant denied ever being a prostitute yet acknowledged entering court-ordered therapy for a prostitution-related offense. The complainant's criminal record shows that she had been arrested for the same offense thirty-three times since August 2004. The complainant stated that she had two witnesses, including her mother, but could not provide contact information for them. There was no additional evidence to further prove or disprove the allegation.



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**SUMMARY OF ALLEGATION #7:** The officer cited the complainant without cause on September 10, 2007.

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

**FINDINGS OF FACT:** The officer stated he cited the complainant for loitering with intent to commit prostitution and stated the facts that constituted probable cause in his Office of Citizen Complaints interview. The complainant denied ever being a prostitute yet acknowledged entering court-ordered therapy for a prostitution-related offense. The complainant's criminal record shows that she had been arrested for the same offense thirty-three times since August 2004. The complainant stated that she had two witnesses, including her mother, but could not provide contact information for them. There was no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATION #8:** The officer cited the complainant without cause on November 19, 2007.

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

**FINDINGS OF FACT:** The officer stated he cited the complainant for loitering with intent to commit prostitution and stated the facts that constituted probable cause in his Office of Citizen Complaints interview. The complainant denied ever being a prostitute yet acknowledged entering court-ordered therapy for a prostitution-related offense. The complainant's criminal record shows that she had been arrested for the same offense thirty-three times since August 2004. The complainant stated that she had two witnesses, including her mother, but could not provide contact information for them. There was no additional evidence to further prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #9:** The officer cited the complainant without cause on December 23, 2007.

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

**FINDINGS OF FACT:** The officer stated he cited the complainant for loitering with intent to commit prostitution and stated the facts that constituted probable cause in his Office of Citizen Complaints interview. The complainant denied ever being a prostitute yet acknowledged entering court-ordered therapy for a prostitution-related offense. The complainant's criminal record shows that she had been arrested for the same offense thirty-three times since August 2004. The complainant stated that she had two witnesses, including her mother, but could not provide contact information for them. There was no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATION #10:** The officer arrested the complainant without cause on January 31, 2008.

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

**FINDINGS OF FACT:** The officer stated he arrested the complainant for loitering with intent to commit prostitution and documented the facts that constituted probable cause in his incident report. The complainant denied ever being a prostitute yet acknowledged entering court-ordered therapy for a prostitution-related offense. The complainant's criminal record shows that she had been arrested for the same offense thirty-three times since August 2004. The complainant stated that she had two witnesses, including her mother, but could not provide contact information for them. There was no additional evidence to further prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #11:** The officer made inappropriate remarks.

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

**FINDINGS OF FACT:** The officer denied making inappropriate remarks. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer behaved in an inappropriate manner

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

**FINDINGS OF FACT:** The anonymous complainant alleged that an unknown officer harassed her in an apparent road-rage incident. The investigation was unable to determine the identity of an officer.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officer denied the allegation. The named officer and his partner were dispatched to a call of a possible robbery. Dispatch provided a description of two male suspects and their location. Two suspects matching the description were located and detained in order to investigate the alleged crime. The two male suspects were instructed to sit on the ground during the investigation for officer safety. One suspect sat on the ground, as instructed by the officers. However, the complainant's son refused to comply with the officers' repeated commands. The named officer said the complainant's son used profanities toward the officers. The named officer and his partner used an academy trained physical control hold on the complainant's son and took him to the ground. The complainant's son resisted the officers and continued to struggle while on the ground. The complainant's son was arrested for resisting and delaying an investigation.

Three witness officers corroborated the named officer's account of the complainant's son resistive behavior and his failure to comply with their commands. Two witness officers stated they observed the complainant's son push the investigating officers. The witness said initially he and the complainants both sat on the ground, as instructed by the investigating officer. The witness stated the complainant's son stood up to stretch his legs during the investigation. The witness said he complied and sat on the ground during the investigation. 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 # 2-3:** The officers used excessive force during the arrest.

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

**FINDINGS OF FACT:** The officers denied the allegation. The complainant's son was a suspect in an alleged crime of robbery. During the investigation, the complainant's son failed to comply with their orders. The officers said the complainant's son used profanity towards them while refusing to comply with their orders. Due to officer safety, they used an academy trained twist lock and bar arm takedown to control the suspect. Both officers said he continued to struggle and squirm on the ground. They were eventually able to restrain and handcuff the complainant's son. The named officers reported the use of force to the on-scene sergeant. The on-scene sergeant documented the physical control in the use of force log. The complainant's son sustained injuries consistent with a struggle on the ground.

Two witness officers corroborated the necessity for the takedown and force on the complainant's son. The witness officers stated they observed the complainant's son push the investigating officers. The witness said he complied when the officers told him to sit on the ground. However, the complainant's son stood up to stretch his legs. The witness said the complainant's son was immediately tackled by the police and slammed to the ground where he was restrained and handcuffed. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer failed to read the Miranda Rights to the arrestee.

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

**FINDINGS OF FACT:** The named officer said he used his department issued Miranda Rights card and read the entire Miranda rights to the complainant's son. When he asked the complainant's son if he understood that he had a right to an attorney, the complainant used profanity towards the named officer rather than indicating whether he understood his rights. The officer said he did not question or interrogate the complainant's son. The witness officer corroborated he was present when the named officer read the Miranda rights to the complainant's son. The witness officer corroborated that the complainant's son failed to acknowledge he understood his rights. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

SF MTA – DPT Enforcement & Security Detail  
875 Stevenson Street #251F  
San Francisco, CA 94103

**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:** IO-1    **DEPT. ACTION:**

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

SF MTA – DPT Enforcement & Security Detail  
875 Stevenson Street #251F  
San Francisco, CA 94103

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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

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

**FINDINGS OF FACT:** The officer cited the complainant for reckless driving. The complainant admitted to driving the wrong way on a one-way street, but denies driving recklessly. The complainant drove approximately one-fourth of the way in the wrong direction of traffic down a city street before realizing he was traveling the wrong way; then, the complainant attempted to turn the vehicle around. The officer said the complainant, in addition to going the wrong way on a one-way street, was speeding and frequently changing lanes, all within a distance of approximately one city block. The officer said the frequent lane changes caused other drivers to brake in order to avoid colliding with the complainant's vehicle. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #2-3:** The officer detained the complainant due to bias.

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

**FINDINGS OF FACT:** The complainant alleged he was targeted for driving an expensive vehicle and detained because of his race. The complainant further alleged the officer's stacking of traffic violations, on the citation issued to the complainant, was a pretext for towing and searching the vehicle. The complainant alleged the ultimate goal of the officer was to find drugs and/or guns in the vehicle so the complainant could be arrested for felony violations. The officer said the incident occurred at nighttime and the officer, in his/her patrol vehicle, was too far behind the complainant's vehicle in order to notice the complainant's race/gender or the race/gender of any passengers. The officer said he/she focused on the traffic violations being committed rather than the complainant's race. No independent witnesses were developed to provide evidence the officer targeted the complainant on the basis of race. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #4-5:** The officer towed the complainant's vehicle without cause.

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

**FINDINGS OF FACT:** The complainant was cited for reckless driving. The complainant admitted to driving a short distance in the wrong direction on a one-way street but denied driving recklessly. The complainant alleged the officer's stacking of traffic violations to justify reckless driving was a pretext for towing the complainant's vehicle. The complainant alleged the ultimate goal of the officer was to find drugs and/or guns in the vehicle so the complainant could be arrested for felony violations. The officer defended the violations for which the complainant was cited and said if he were to take a chance by allowing the complainant to continue operating the vehicle in the same manner as before citing the complainant, the officer and the department could be held liable if the complainant got into a traffic accident. The officer said, therefore, towing the complainant's vehicle was justified as a means of accident prevention. No independent witnesses were developed to support the charge the complainant was driving recklessly. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #6-7:** The officer displayed his/her firearm without justification.

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

**FINDINGS OF FACT:** The officer stopped the complainant for traffic violations at nighttime and gave several commands to the complainant to exit the complainant's vehicle. The officer stated the complainant, instead of obeying the officer's commands, sat in his vehicle and glared at the officer for several seconds. The officer said the complainant, looking tense and clenching his fists, finally exited his vehicle and walked towards the officer. The officer, fearing the complainant was going to attack him, drew his weapon as a precautionary measure to protect himself/herself. The officer described the complainant as a very large and apparently muscular man. As directed, the complainant got on the ground and was handcuffed. The officer then holstered his/her weapon. 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 #8:** The officer wrote an inaccurate citation.

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

**FINDINGS OF FACT:** The officer cited the complainant for reckless driving and wrote a court date on the citation that had already passed. Some days after the citation had been issued, the complainant noticed the discrepancy. The complainant became confused and distressed about when to appear. The complainant indicated he did not want to suffer the consequences associated with him missing a court date, but did not know how to handle the problem. The officer said he (the officer) made an inadvertent mistake in writing the court date, and did not realize the discrepancy until several months later. The officer did not make any effort to correct the mistake. 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 #9-10:** The officer displayed inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant said he was cited for reckless driving, and police ordered the complainant's vehicle towed as a result. The complainant said as this incident was drawing near conclusion, the officer made snide remarks and jumped for joy about the complainant's predicament. The officer denied making these remarks and performing these actions. No witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #11-12:** The officer searched the vehicle without cause.

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

**FINDINGS OF FACT:** The complainant was cited for reckless driving. The complainant admitted to driving a short distance in the wrong direction on a one-way street but denied driving recklessly. The complainant alleged the officer's stacking of traffic violations to justify reckless driving was a pretext for towing, then searching the complainant's vehicle. The complainant alleged the ultimate goal of the officer was to find drugs and/or guns in the vehicle so the complainant could be arrested for felony violations. The officer said if he were to allow the complainant to continue operating the vehicle after the officer cited the complainant, the officer and the department could be held liable if the complainant got into a traffic accident. Therefore, towing the complainant's vehicle was a necessary response to accident prevention, and searching the vehicle was necessary in order to perform an inventory of the vehicle's contents. 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 #13:** The officer damaged the complainant's property.

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

**FINDINGS OF FACT:** The complainant's vehicle was towed after the complainant was cited for reckless driving. The vehicle was searched incident to the tow, in order to perform an inventory of the vehicle's contents. As a result of this search, the complainant said the officer damaged a part located inside the vehicle's cabin. The officer denied breaking this item for two reasons: (1) officers typically exercise care in searching vehicles, and (2) the item could have been broken before this incident occurred. No witnesses were developed or evidence obtained to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that she had repeatedly sought to have police officers do a standby so she could remove her personal property from an apartment building she had been leasing. She also stated that she had sought to have a police report prepared concerning the removal of her property from the building. The complainant stated that she was told she had to deal with the named officer concerning these matters, but that the named officer has not returned her phone calls and the police have taken no action in response to her requests.

The named officer, who is the code enforcement officer at his district station, stated that the police department and the City Attorney's Office Code Enforcement Task Force had received numerous complaints concerning the property the complainant was managing. After electrical power was shut off to the building, the complainant supplied power to the building with a gasoline powered generator. The San Francisco Department of Building Inspection issued an emergency order to vacate the building due to a serious and imminent hazard, and the property was vacated and boarded up. The named officer stated that he received two messages stating that the complainant had called him, but that when he called the phone numbers listed on the messages he reached individuals who said they did not know the complainant. The named officer stated that he had not spoken to the complainant since before the property was vacated and boarded up, and therefore was unaware of any request she had made concerning personal property inside the building or a request for a police standby. The named officer said he was never asked to take a report concerning a theft of the complainant's property, nor was he aware of any other officer receiving such a request.

Department of Building Inspection records document a history of building code violations including unsafe wiring and the use of a gasoline generator in the basement to provide electricity to the building. They document that an emergency order to vacate the building was issued. Department Records document that the building was vacated on order of the Department of Building Inspection and boarded up. Department Records also document numerous calls for service at this address, including multiple reports of individuals breaking in or trespassing after the building was vacated.

The narrative account that the complainant provided of her association with the building she leased and with subsequent civil, criminal and administrative proceedings was somewhat disjointed and is contradicted in certain significant respects by government agency records. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #1:** The officer failed to properly process and document property.

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

**FINDINGS OF FACT:** The complainant stated that officers served a search warrant at her home while she was away. When she returned home, she discovered that several items were missing, and that some items appeared to have been arranged in a sexually provocative manner.

The incident report prepared by the named officer states that six officers from the Narcotics Detail served a search warrant on the residence of the complainant's husband and on his vehicle seized suspected marijuana and methamphetamine, several thousand dollars in U.S. currency, a digital scale, packaging material, an address book a handgun and ammunition. The return to Search Warrant prepared by the named officer states that the officers seized suspected marijuana and methamphetamine, packaging material, a digital scale, indicia, U.S. currency, firearms, ammunition and fireworks.

The named officer stated he did not see the allegedly missing items. The named officer and the other officers who participated in the search denied the alleged provocative arrangement of items. The two officers who were identified in the incident report denied knowledge of the allegedly missing items. The complainant's husband failed to respond to requests for an interview with Office of Citizen Complaints. There is insufficient evidence to prove or disprove the allegation against the officer who coordinated and documented the search.

**SUMMARY OF ALLEGATION #2:** The officer seized property without cause.

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

**FINDINGS OF FACT:** The incident report prepared by the named officer states that six officers from the Narcotics Detail served a search warrant on the residence of the complainant's husband and on his vehicle seized suspected marijuana and methamphetamine, several thousand dollars in United States currency, a digital scale, packaging material, an address book a handgun and ammunition. The return to Search Warrant prepared by the named officer states that the officers seized suspected marijuana and methamphetamine, packaging material, a digital scale, indicia, U.S. currency, firearms and ammunition and fireworks. The complainant's husband failed to respond to requests for an interview with Office of Citizen Complaints. There is insufficient evidence to identify the officer who allegedly took the items specified by the complainant that are not documented in the incident report or the Search Warrant Return or to prove or disprove the allegation

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

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

**FINDINGS OF FACT:** The complainant stated that he reported to the officer an incident of illegal exposure and criminal threat but the officer did not take police actions. The named member stated that he documented the complainant's account of the occurrence in a police report but no other investigative actions were warranted since the occurrence was not a crime. The Department records showed that the officer's report accurately reflected the complainant's account of the event and this event did not rise to a level of a crime. The available evidence proved that the acts alleged in the complaint did not occur.

**SUMMARY OF ALLEGATION #2:** The officer exhibited an inappropriate manner and behavior.

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

**FINDINGS OF FACT:** The complainant stated that the officer was not helpful and he acted unprofessionally during this police contact. The complainant's friend, who was present during the incident, shared the complainant's assertion that the officer was "not helpful" but did not corroborate specific aspects of an inappropriate behavior alleged by the complainant. Another complainant's witness, who allegedly heard what was said during this police contact over the phone, did not respond to the Office of Citizen Complaints' requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** In his statement to the Office Of Citizen Complaints, the officer admits he did not answer the question posed by the complainant, but Department General Order 9.01 allows for communication between the officer and the person who committed the alleged offense, who in this case was the driver. The complainant was not the driver. The officer denies rude behavior in his statement. The complainant's husband is the only witness, and he declined to be interviewed by the Office Of Citizen Complaints. There are no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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**SUMMARY OF ALLEGATIONS #1-3:** The officers detained the complainant's boyfriend without justification.

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

**FINDINGS OF FACT:** The complainant alleged that the officers stopped her boyfriend for no apparent reason. The officers denied the allegation and said that the complainant's boyfriend was stopped for not wearing a seatbelt. The complainant's boyfriend did not come forward. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officers arrested her boyfriend without cause. The officers denied the allegation and said that the complainant's boyfriend was arrested for possession of illegal weapons in violation of PC 12020(a). The complainant's boyfriend did not come forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #7-8:** The officers searched the vehicle without cause.

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

**FINDINGS OF FACT:** The complainant alleged that the officers searched her boyfriend's vehicle without cause. The officers stated that the vehicle was searched incident to a lawful arrest. The complainant's boyfriend did not come forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated she contacted San Francisco Police Department for a well being check on her elderly friend who she had not heard from in a couple of days. The complainant stated her friend possibly had the flu. Once the complainant arrived at her friend's residence the officers were already on the scene. The complainant stated she pleaded with the officers to force entry into her friend's apartment because he was not responding. The officers stated having the flu was not an example of imminent danger to life. The officers contacted several neighbors to inquire if they had knowledge of the complainant's friend's condition. The officers knocked on the complainant's friend's door several times. The officers were given permission by a tenant to enter her apartment to see if they were able to view inside the complainant's friend's apartment. The officers were not able to get any information regarding the resident. The officers did get the telephone number of the apartment manager and left him a message on his cell phone. The officers provided the complainant with the apartment manager's contact information and suggested she contact him to coordinate entry into her friend's apartment. The officers stated there is no policy or procedure that exists for this type of situation. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATIONS #3:** The officer displayed inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated the officer was hostile, impatient, and kept minimizing the matter. The complainant did not provide any other information regarding this allegation. The officer stated his demeanor was very calm and concerned. Another officer stated he did not observe the named officer being rude or hostile toward the complainant. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATIONS #4-5:** The officers were racially biased.

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

**FINDINGS OF FACT:** The complainant contacted San Francisco Police Department for a well being check on her elderly friend. The complainant stated the officers refused to force entry into her friend's residence. The complainant felt the differences in her ethnicity and the officer's ethnicity may have played a role in their decision to not make a forced entry. The officers stated they did not know the complainant's ethnicity prior to arriving to the scene, nor did the differences in their ethnicities have any bearing on their decision to not make a forced entry. The officers further stated they are only to make forced entries for exigent circumstances or imminent danger, and neither of those existed at the time. The officers never made any comments regarding the complainant's ethnicity and the complainant never mentioned her concerns to the officers. 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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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/30/08    **DATE OF COMPLETION:** 08/11/09    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officers arrested a person.

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

**FINDINGS OF FACT:** The complainant withdrew this complaint.

**SUMMARY OF ALLEGATION #2:** The officers pushed a person.

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

**FINDINGS OF FACT:** The complainant withdrew this complaint.

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**DATE OF COMPLAINT:** 01/06/09 **DATE OF COMPLETION:** 08/28/09 **PAGE #** 1 of 1

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

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

**FINDINGS OF FACT:** The officer denied the allegation. The witness officer denied the allegation. Another witness did not respond for an interview. 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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**DATE OF COMPLAINT:** 01/07/09    **DATE OF COMPLETION:** 08/15/09    **PAGE#** 1 of 4

**SUMMARY OF ALLEGATION #1-3:** The officers used unnecessary force on a civilian.

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

**FINDINGS OF FACT:** The complainants alleged the officers used unnecessary force on a civilian. The officers denied the allegation. One of the named officers stated that he called for assistance because the civilian had assaulted him. The other and named officers stated that they helped handcuff the combative and resistive civilian. One witness stated that when the officer approached the civilian, the civilian got in a fighting stance and later swung at the officer. He stated that other officers arrived to assist in handcuffing the civilian. Three other witnesses stated that the officers assaulted the civilian but they did not witness the contact prior to the assault. Departmental General Orders 5.01(f)(1) states that officers may use force in self-defense or to affect the lawful arrest or a persons resisting. The evidence indicates that there is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4-6:** The officers used unnecessary force on the complainant.

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

**FINDINGS OF FACT:** The complainant alleged that the officers used unnecessary force on one of them when arrested. The officers denied the allegation. The officers stated that they used physical force to restrain the complainant, who was resisting and combative. One witness stated that the officers did not assault the complainant, whereas two other witnesses stated that the officers assaulted the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #7:** The officer interfered with their rights as onlookers.

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

**FINDINGS OF FACT:** The complainants alleged that the officer interfered with their rights as onlookers. The officer denied the allegation. Witness statements were inconclusive. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer detained him without justification. The officer denied the allegation. The officers stated that the complainant was detained for inciting the crowd and not complying with his lawful order. The witness statements were inconclusive. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.



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

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

**FINDINGS OF FACT:** The complainants alleged that the officer interfered with their rights as onlookers. The officer denied the allegation. The officer stated that the complainant was arrested for obstructing a police officer attempting to discharge his duties as well as for being drunk in public. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #10:** The officer failed to provide a name and star number when requested.

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

**FINDINGS OF FACT:** The officers that were questioned denied the allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #11:** 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 loosen his handcuffs when requested. The officers questioned denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #12** The officers behaved inappropriately and/or made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant alleged that the officers behaved inappropriately and/or made inappropriate comments. The officers questioned denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

**SUMMARY OF ALLEGATION #1:** The officers acted inappropriately.

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

**FINDINGS OF FACT:** The complainant said officers who interviewed him about a neighbor's complaint against him improperly allowed the neighbor near him, and to yell at him. Department Records and interviews of officers contained no record of a complaint investigated at the address of the complainant on the date in question, and included no record of any officers responding to the area for any investigation. No other witnesses came forward. There was insufficient evidence to identify the officers involved or to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The named officer confirmed a conversation with the complainant around the time of the alleged improper behavior but denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 01/14/09    **DATE OF COMPLETION:** 08/28/09    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The officers denied the allegation. The complainant did not respond for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #3-4:** The officers used force during the detention.

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

**FINDINGS OF FACT:** The officers denied the allegation. The complainant did not respond for an interview. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer failed to properly process property (\$100.00).

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

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

**SUMMARY OF ALLEGATION #6:** The officer failed to properly process property (Mexican Electoral Card).

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

**FINDINGS OF FACT:** The officer admitted that he had the complainant's identification in a file and forgot about the card after he was unsuccessful in his attempt to return the card on the day of the incident. The officer wrote a supplemental report and booked the identification into evidence months later after a superior officer brought the matter to his attention. The officer failed to book the complainant's identification for safekeeping on the date of the incident there by violating DGO 6.15.II.A. 1. b.

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**DATE OF COMPLAINT:** 01/16/09 **DATE OF COMPLETION:** 08/09/09 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers used profanity.

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

**FINDINGS OF FACT:** The complainant alleged that the officers used profanity. The officers denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer stated that the complainant's husband was arrested for possession of suspected controlled, prescribed medication. The complainant and her husband admitted to having possession of a controlled substance. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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**SUMMARY OF ALLEGATIONS #1-4:** The officers used unnecessary force on the complainant.

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

**FINDINGS OF FACT:** The complainant failed to respond to contact attempts and his whereabouts are unknown. He failed to provide consent to review his medical records. The officers denied the allegation and stated the complainant was cooperative the entire time he was in custody. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 01/22/09    **DATE OF COMPLETION:** 08/19/09    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer wrote an incomplete and/or inaccurate report.

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

**FINDINGS OF FACT:** The officer's account of what happened between the complainant and an alleged suspect was consistent with what the complainant told the Office of Citizen Complaints in his Office of Citizen Complaints interview. The evidence proved that the act alleged in the complaint did not occur, or that the named member was not involved in the act alleged.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer failed to receive a citizen's arrest. Department records show that the complainant signed a Citizen Arrest Form and that the officer received the arrest. The evidence proved that the act alleged in the complaint did not occur, or that the named member was not involved in the act alleged.



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**SUMMARY OF ALLEGATIONS #3-4:** The officers failed to conduct a proper investigation.

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

**FINDINGS OF FACT:** Department records show that the officers' investigation was adequate. The evidence proved that the act alleged in the complaint did not occur, or that the named members were not involved in the act alleged.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**