

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/09 **DATE OF COMPLETION:** 10/08/09 **PAGE #1 of 3**

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

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

FINDINGS OF FACT: The complainant stated that the officers taunted him. The officers denied the allegation. There were no witnesses who came forward to be interviewed. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant came to the OCC with a swollen and “black” eye, which he attributed to unnecessary force by one of the police officers. He also alleged that both officers used unnecessary force during his arrest. However, he admitted resisting the officers’ attempts to handcuff him, and resisting arrest. He further alleged that the officers continued to use force against him after he stopped resisting and was handcuffed. The officers denied that the force they used was unnecessary. They stated that they used the force to subdue the complainant’s resistance and handcuff him. There were no witnesses that came forward to be interviewed by the OCC. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was arrested without cause. He acknowledged, however, that the staff at the shelter wanted him to leave, and he was not inclined to do so, even after the police came at the shelter staff's request and told him to leave. He also stated that he resisted the police efforts to arrest and handcuff him. The police officers stated, in the incident report and in their statements to the OCC, that the complainant was arrested for trespassing at the shelter, and for resisting arrest. 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 #7: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that several officers at Southern Station made inappropriate comments to him after he was released, but he could not identify these officers. The named officers did not witness this activity. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

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SUMMARY OF ALLEGATION #8: The officers failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated that several officers at Southern Station refused his request for an ambulance, but he could not identify these officers. The named officers did not witness this activity. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated, she was not present during the incident, stated that her son was arrested without any legitimate reason. The named members stated that the complainant's son "was arrested for furnishing two rocks of suspected rock cocaine" to an undercover narcotics officer and for "possession for sale of Oxycodone pills." The complainant's son did not respond to multiple OCC's requests for an interview. The statement from the complainant's nephew, who witnessed the incident, was inconclusive. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant, who was not present during the incident, stated that the officers used excessive force during the arrest of her son. All officers involved in the arrest of the complainant's son denied using the alleged force during the incident. The complainant's son did not respond to the multiple OCC's requests for an interview. The statement from the complainant's nephew, who witnessed the occurrence, was inclusive. The available evidence was insufficient to identify the member involved in the alleged misconduct and to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officers arrested him without cause for driving a stolen taxi. The authorized agent of the cab company filed a stolen vehicle report with the San Francisco Police Department. The officers relied on the stolen vehicle report to make the arrest. They further stated they personally spoke to an agent of the company to verify the report. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officers failed to take appropriate action with regard to particular sections of the Booking and Detention Manual. The complainant stated he was diabetic and that he required a snack. The complainant further stated he was not afforded telephone calls at the station and that he was held for over four hours at the station. The officers denied the allegation. They stated the complainant failed to inform them of his diabetic condition. The station's Medical Screening form supported this. The officers denied the complainant asked to make a telephone call. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer yelled and made inappropriate comments. The officer denied the allegation, and stated his demeanor was kind and respectful toward the complainant. A witness officer stated the officer's demeanor was calm and respectful. There were no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to properly operate a motor vehicle.

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

FINDINGS OF FACT: The complainant stated the officer failed to stop at a stop sign as well as accelerated to block his vehicle when he attempted to pass the officer's vehicle. The officer denied the allegation. There were no independent witnesses to this incident. A witness officer stated the officer never traveled at a high rate of speed to block the complainant or did he fail to stop at a stop sign. There was insufficient evidence to either prove, or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to identify himself as a police officer.

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

FINDINGS OF FACT: The complainant stated the officer failed to identify himself as an officer when he approached him. The officer denied the allegation and stated when he did identify himself as an officer; the complainant did not believe him. A witness officer stated the officer identified himself as an officer. There were no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer had no justification detaining him and taking his driver's license without issuing a citation. The officer stated the complainant had pulled over, and he decided to advise the complainant of the traffic violations he observed the complainant commit. A witness officer stated they were not able to affect a traffic stop because they were in an unmarked unit and not in uniform, but once the complainant parked they decided to advise the complainant of his traffic violations. The complainant admitted he pulled his vehicle over after attempting to pass the officers who were allegedly triple parked. There were no independent witnesses to this incident. Department General Order 9.01 states members enforcing traffic laws must use discretion. 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 #5: Biased policing due to race.

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

FINDINGS OF FACT: The complainant stated he wondered if this incident happened because he was African American. The complainant also stated his ethnicity was not mentioned during this incident. The officer stated the complainant's ethnicity had no bearing on the decision to advise him of the traffic violations. A witness officer stated the complainant's ethnicity had no bearing on the officer advising the complainant of his traffic violations. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-4: The officer detained the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged the officer wrongfully identified and detained her. Police dispatch broadcast an alert advising officers that a suspect involved in a violent assault was last seen walking in a certain area. Within minutes of receiving this broadcast message, the officer saw the complainant walking in the area the victim had identified. Although the complainant did not exactly match the description of the suspect, the complainant did bear reasonable resemblance to the suspect's description. The officer said oftentimes descriptions of suspects broadcast over the police radio are inaccurate. Police, therefore, detained the complainant at the scene a short while until the victim inconspicuously arrived for a "Cold Show." The victim told police the complainant was not the same person as the suspect who was involved in the assault. Police subsequently released the complainant at the scene in accordance with Department policy. 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 #5-6: The officer used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant alleged the officer intentionally dug his fingernails into her hands while the officer applied the handcuffs. Another officer admitted handcuffing the complainant. This officer said he habitually bites his fingernails, which do not grow past his fingertips. Therefore, his fingernails are not long enough to dig into the complainant's skin. The complainant made this complaint eight days after the alleged incident took place. At the time the complainant filed her complaint, the investigator saw no evidence of any skin abrasions or skin trauma on the complainant's hands. The victim, who inconspicuously went to the scene of the complainant's detention, said he did not see police mistreat the complainant during the time the victim was there. Also, the victim did not hear the complainant voice any type of distress. No independent witnesses or corroborating evidence was developed to support the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7-10: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant alleged the officer wrongfully identified and detained her. Police dispatch broadcast an alert and described a suspect involved in a violent assault. Dispatch advised police units that the suspect was last seen walking in a certain area. Within minutes of receiving this broadcast message, the officer saw the complainant walking in the area the victim had identified. Although the complainant did not exactly match the description of the suspect, the complainant did bear reasonable resemblance to the suspect's description. The officer said oftentimes descriptions of suspects broadcast over the police radio are inaccurate. Police, therefore, detained the complainant at the scene a short while until the victim inconspicuously arrived for a "Cold Show." The victim told police the complainant was not the same person as the suspect who was involved in the assault. Police subsequently released the complainant at the scene in accordance with Department policy. 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 #11: The officer seized property without cause.

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

FINDINGS OF FACT: The complainant alleged the officer wrongfully detained her and allegedly found a hardware tool the complainant had purchased. The complainant alleged the officer, believing this tool could be used as a weapon, confiscated this item. Officers who responded to this incident denied finding or confiscating this tool. Furthermore, they did not see any other officer confiscate any of the complainant's property. The crime victim inconspicuously arrived at the scene for the purpose of identifying the complainant. The victim told police the complainant was not the same person the victim had just seen and reported to police dispatch. The victim also said he did not see police take anything from the complainant while the victim was at the scene of the complainant's detention. No independent witnesses or corroborating evidence was developed to support the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #12: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant alleged the officer intentionally damaged personal property belonging to the complainant. Officers who responded to this incident denied damaging any personal property belonging to the complainant. Furthermore, they did not see any other officer damage the complainant's property. Within minutes of the complainant's detention, the crime victim inconspicuously arrived at the scene for the purpose of identifying the complainant in a "Cold Show." The victim told police the complainant was not the same person the victim had just seen and reported to police dispatch. The victim also said he did not see police damage any of the complainant's property while the victim was at the scene of the complainant's detention. No independent witnesses or corroborating evidence was developed to support the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #13-14: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged the officer wrongfully identified, detained and searched her. Police dispatch broadcast an alert advising officers that a suspect involved in a violent assault was last seen walking in a certain area. Within minutes of receiving this broadcast message, the officer saw the complainant walking in the area the victim had identified. Although the complainant did not exactly match the description of the suspect, the complainant did bear reasonable resemblance to the suspect's description. The officer said oftentimes descriptions of suspects broadcast over the police radio are inaccurate. Police, therefore, detained the complainant at the scene a short while until the victim inconspicuously arrived for a "Cold Show." The officer said for safety reasons he performed a pat search on the complainant for weapons. The victim subsequently arrived and told police the complainant was not the same person as the suspect who was involved in the assault. Police subsequently released the complainant at the scene in accordance with Department policy. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #15-16: The officer searched the complainant's personal property without cause.

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

FINDINGS OF FACT: The complainant alleged, incident to her detention, the officer wrongfully searched her personal property. Police dispatch broadcast an alert advising officers that a suspect involved in a violent assault was last seen walking in a certain area. Within minutes of receiving this broadcast message, the officer saw the complainant walking in the area the victim had identified. Although the complainant did not exactly match the description of the suspect, the complainant did bear reasonable resemblance to the suspect's description. The officer said oftentimes descriptions of suspects broadcast over the police radio are inaccurate. Police, therefore, detained the complainant at the scene a short while until the victim inconspicuously arrived for a "Cold Show." For safety reasons, the officer performed a pat search for weapons on the bag the complainant had in her possession. The victim subsequently arrived and told police the complainant was not the same person as the suspect who was involved in the assault. Police subsequently released the complainant at the scene in accordance with Department policy. 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 #17: The officer failed to properly process seized property.

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

FINDINGS OF FACT: The complainant alleged the officer detained her and allegedly found a hardware tool the complainant had purchased. The complainant alleged the officer, believing this tool could be used as a weapon, confiscated this item. Officers who responded to this incident denied finding or confiscating any property belonging to the complainant. Consequently, they did not process as evidence anything that was taken or seized from the complainant. The crime victim inconspicuously arrived at the scene for the purpose of identifying the complainant. The victim told police the complainant was not the same person the victim had just seen and reported to police dispatch. The victim also said he did not see police take anything from the complainant while the victim was at the scene of the complainant's detention. No independent witnesses or corroborating evidence was developed to support the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers detained her, her adult son and daughter in their home without justification. The complainant acknowledged her youngest son was on probation and resided at her residence.

All four officers affirmed they responded to the complainant's residence to conduct a probation search of the complainant's son. Three of the officers searched the bedroom area of the complainant's son. One of the officers maintained watch over the detained complainant and her adult son and daughter.

Criminal history records confirmed the complainant's youngest son was currently on misdemeanor probation with a warrantless search condition until May 1, 2009. The complainant's address was indicated as the residence of the probationer. 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 #5-8: The officers searched the residence without cause.

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

FINDINGS OF FACT: The complainant stated the officers searched her residence without cause. The complainant acknowledged her youngest son was on probation and resided at her residence.

All four officers affirmed they responded to the complainant's residence to conduct a probation search of the complainant's son. Three of the officers searched the bedroom area of the complainant's son. One of the officers maintained watch over the detained complainant and her adult son and daughter.

Criminal history records confirmed the complainant's youngest son was currently on misdemeanor probation with a warrantless search condition until May 1, 2009. The complainant's address was indicated as the residence of the probationer. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated that two plainclothes SFPD officers detained her without any reason. In the relevant police report and in the OCC statements, the named members articulated adequate reasons for the complainant's detention. The complainant's OCC account of the initial stage of the incident contained factors sufficient to justify an investigative police detention. There were no identifiable witnesses to this part of the incident. The available evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officers arrested her without cause. According to the named members, the complainant was arrested and booked for delaying a police investigation and for an outstanding warrant from another jurisdiction. The complainant's OCC statement and the department records corroborated the officers' reasons for the complainant's arrest. The available evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #5-6: The officers used excessive force against the complainant.

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

FINDINGS OF FACT: The complainant stated that, during her arrest, one officer banged her head against a parked car and several other officers threw her inside the police wagon “like a sack.” The complainant was able to describe only one of those officers. All members questioned in connection with this incident denied using the alleged force and/or acting in the said manner. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to identify all officers engaged in the alleged misconduct and to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7-9: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated that, during her arrest and booking, several officers called her names and used profanity towards her. All members questioned in connection with this incident denied using profanity and/or acting in the alleged manner. There were other identifiable witnesses to the occurrence. The available evidence was insufficient to identify all members who allegedly engaged in this misconduct and to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The investigation was unable to locate and interview the complainant. The evidence as documented in the police report and a Citizen's Arrest provided sufficient probable cause to arrest the complainant. The arrest was justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer denied committing the alleged acts or making the alleged statement. Witness officers denied hearing the named member make the alleged comment or commit the alleged acts. The investigation was unable to locate and interview the complainant. The evidence was evaluated based on the narrative statement prepared by the complainant. The complainant's property is documented on the Arrest Record however, some of the property the complainant alleged to have on his possession at the time is not listed thereon. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that he thought the officer acted inappropriately with another person, and admitted he did not witness this inappropriate behavior. The complainant had no evidence of this inappropriate behavior, yet he surmised it occurred, despite evidence that he had and presented to the OCC to the contrary. The officer stated that the inappropriate behavior did not occur, and recounted, with documentation, what did occur. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant did not provide information to show that he is being harassed. He is misinformed about the officer. The evidence shows that the complainant is not being treated inappropriately by San Francisco Police Department members or this named officer.

SUMMARY OF ALLEGATION #2: The officer misused a San Francisco Police Department computer.

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

FINDINGS OF FACT: A search of the department computer shows that the officer did not access the Department computer inappropriately.

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

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

FINDINGS OF FACT: The complainant and the advocates who submitted the complaint on behalf of the complainant, said that during an arrest in the early spring of 2008, unknown plainclothes officers used unnecessary force on an unidentified Latino youth. Neither the complainant nor the advocates were able to provide a specific date as to the incident. None of the complainants provided information sufficient to identify the involved officers. The OCC conducted a comprehensive review of San Francisco Police Department records in an attempt to match the arrestee's race, age range, arrest time, approximate location, and involvement of plainclothes personnel. No incidents were found that matched the criteria provided by the complainants and the arrestee was not identified. There is insufficient evidence to either prove or disprove the allegations against any particular officer.

SUMMARY OF ALLEGATIONS #2: Biased policing due to race.

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

FINDINGS OF FACT: The complainants provided insufficient information to substantiate what specific officer behaviors supported the allegation that the arrest was due to biased policing. The OCC conducted a comprehensive review of San Francisco Police Department records in an attempt to match the arrestee's race, age range, arrest time, approximate location, and involvement of plainclothes personnel. No incidents matched the criteria provided by the complainants. The arrestee was never identified. The involved officers were not identified during the investigation. Without the identity of the arrestee, or the involved officers, there is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officers did not speak to witnesses and that the officers did not provide an interpreter at the scene. The officers denied the allegation. The witnesses did not come forward for an interview. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #3: The officer failed to write an incident report.

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

FINDINGS OF FACT: The officer denied the allegation. The witnesses did not respond for an interview. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer denied the allegation. The witnesses 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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SUMMARY OF ALLEGATION 1 : The officer failed to follow procedures and maintain knowledge.

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

FINDINGS OF FACT: None of the officers were identified by the complainant, however what the complainant said the officers told him was a correct and accurate representation of the law.

SUMMARY OF ALLEGATION 2: The officer failed to follow procedures and maintain knowledge.

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

FINDINGS OF FACT: The complainant stated that the officer misinformed him as to the nature of the citation violation correctability. The officer did not recall the incident but indicated that he was aware of the nature of the citation violation limitations. There were no witnesses. There is insufficient evidence to make a definitive finding.

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SUMMARY OF ALLEGATION 3: The officer's demeanor and comments toward the complainant were rude.

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

FINDINGS OF FACT: The complainant could not identify the officer. One on-duty officer at the time of the contact denied having any contact with the complainant. Another on-duty officer at the time has retired and is no longer available and subject to the Department discipline. The investigation was unable to positively identify the named member. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged that an officer and a sergeant failed to accept her identity theft report. The sergeant, who was positively identified, did not recognize the complainant, could not recall any contact with her, and denied directing any subordinate to deny the complainant her right to file an identity theft report with San Francisco Police Department. The sergeant also stated that he encourages subordinate officers to accept all kind of reports at the counter to avoid complaints. Office of Citizen Complaints attempts to identify the subordinate member at the window were not successful. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer was dismissive and unprofessional with her. The officer denied the allegation. There were no identified witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/09 **DATE OF COMPLETION:** 10/28/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer states he saw the driver using a cell phone without using the hands free device. He detained the complainant because this was a vehicle code violation. The computer record shows the contemporaneous record of this stop, and shows the officer noted the driver was using phone without a hands free device. The computer record is not created after the event, is a normal business record, and is not created, as a record for the Office of Citizen Complaints investigation, so it is presumably a reliable source of information. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer stated that the warrant for the complainant's arrest had a "no cite, mandatory appearance" instruction on it. He provided an Airport Report as evidence of that, and this information does appear in the report narrative. The arrested officer and brought the complainant to San Mateo Jail. The warrant was for a misdemeanor, not an infraction, and an appearance is mandatory in such cases.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/09 **DATE OF COMPLETION:** 10/28/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer detained the complainant because of bias.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/09 **DATE OF COMPLETION:** 10/15/09 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The evidence proved that the acts of the officers were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The evidence proved that the complainant's property was properly processed.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/09 **DATE OF COMPLETION:** 10/15/09 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #5: The officer handcuffed the complainant too tightly.

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

FINDINGS OF FACT: The officer did not recall the incident. A witness officer recalled the named member checking the handcuffs for the proper tightness. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/17/09 **DATE OF COMPLETION:** 10/28/09 **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 stated he was cited for not having a waybill. He was not cited for a waybill problem as he complained, but for a transponder problem, which he did not mention. The complainant admitted that he had no California Driver's License or current proof of insurance. The transponder is visible from the outside of the vehicle, and if it is missing, the officer knows he has probable cause to cite. The officer stated he saw that the transponder was missing from complainant's vehicle. The preponderance of the evidence shows that the officer cited the complainant with cause. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the citation was a form of harassment. The Office of Citizen Complaint's investigation established that the officer had cause to cite the complainant. The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/17/09 **DATE OF COMPLETION:** 10/28/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant provided insufficient information to establish the identity of the alleged officer. There is insufficient evidence to 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: 04/21/09 **DATE OF COMPLETION:** 10/29/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant was arrested and issued a citation for violating Penal Code §314.1. The complainant is an activist for an international movement that advocates for the rights of individuals to appear nude in public. The complainant contends that his appearing nude in public is not a violation of the Penal Code because he does not do anything that can be considered “lewd.” Department training, which is based on P.O.S.T. Learning Domain LD-10, instructs officers in elements of PC §314, but does not include examples where the suspect’s subjective intentions are to make a statement about nudity *per se*.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/09 **DATE OF COMPLETION:** 10/15/09 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complaint was suspended until the complainant's criminal charges were adjudicated. Following the adjudication of those charges, the complainant failed to respond to multiple contacts attempts for an interview. This matter could not be properly investigated without the complainant's participation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/09 **DATE OF COMPLETION:** 10/19/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The officer said there was no non-operators permit in the back window as purported by the complainant. The registration was expired and the officer said there was no RIP (Registration in Progress) on file at the time. The code section for which the complainant was cited makes no exception to the registration requirement for non-operator permit holders if the vehicle is left parked even if there was a non-operators permit in the window. The actions of the officer were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer engaged in harassment of the complainant.

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

FINDINGS OF FACT: The complainant's only basis for the allegation was that the officer cited his parked vehicle. The officer denied the allegation. Citing vehicles in violation of the Vehicle Code is a part of an officer's responsibility and obligation. Citing a vehicle does not in-and-of-itself rise to the level of a harassing act. The evidence did not support the complainant's allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/09 **DATE OF COMPLETION:** 10/19/09 **PAGE #**1of 1

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

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

FINDINGS OF FACT: The complainant said he was pulled over for no reason, but admitted the named officer told him he had detained him because the car the complainant was driving had no front plate. The officer then was shown the plate and said he had not been able to see it when driving, and took no further action. The complainant acknowledged the license plate was covered with a tinted film. The named officer denied the allegation, stating that he did not initially see the front license plate and released the driver with no further action when he inspected the car and saw the plate. One witness confirmed that the named officer took the described actions and that the plate was covered with a tinted film. No other witnesses came forward. The evidence proved the acts that provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer acted due to bias, based on race.

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

FINDINGS OF FACT: The named officer denied the allegation. One witness said she did not hear the officer say anything to the complainant other than the reason he pulled the complainant's car over. 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: 05/10/09 **DATE OF COMPLETION:** 10/15/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant alleged two officers detained her for a W & I Sec. 5150 investigation without justification. The complainant stated she heard a passenger crying at the ticket counter of a local airport. The complainant said she heard the passenger calling for help and intervened because no one would help the passenger. The complainant admitted she tried to take control of an airline agency's duties at a major airport, and that she touched a passenger without her consent. 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 made an inappropriate comment.

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

FINDINGS OF FACT: The complainant alleged the officer told her "You're weird." The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/09 **DATE OF COMPLETION:** 10/05/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer ordered him to hang up the phone and come to him and the other officers. Although the complainant kept talking on the phone with his girlfriend, he walked up to the officers and spoke with them voluntarily. The named member denied making the said order and maintained that the contact with the complainant was nothing but a consensual encounter. Another officer present during the incident supported the named member's statement. The third officer did not recall the incident. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that the named member told other officers not to speak with the complainant because the latter might be recording the conversation. The named member denied making the alleged comment. His partner supported this statement. The third officer did not recall the incident. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/09 **DATE OF COMPLETION:** 10/03/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant was robbed and assaulted. He was told the two people who assaulted him were caught but a visit from an officer in the emergency room implied otherwise. A couple of days later, the complainant went to a police station looking for the supervisor of the officer who visited him but he was treated very rudely at the station window. The complainant stated he was blown off and refused the information. The complainant did not provide a telephone number on his complaint form. The Office of Citizen Complaints made numerous attempts to contact the complainant via mail, but he did not respond. An officer poll was conducted, and the officer mentioned in the complaint could not be identified. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/09 **DATE OF COMPLETION:** 10/16/09 **PAGE #1** of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer conducted a biased investigation.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/09 **DATE OF COMPLETION:** 10/24/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer came to his residence and issued him a notice to appear without justification. The officer cited the complainant pursuant to a citizen's arrest. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 10/03/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer 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 September 28, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/09 **DATE OF COMPLETION:** 10/08/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The computer used by the Police Department to issue taxi permits is not working properly, resulting in long delays for permanent taxi permits.

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

FINDINGS OF FACT: Through no fault of their own, the applicants for taxi permits are waiting for long periods, months and even close to a year, for a permanent taxi driver permit. This delay is caused by the San Francisco Police Department computer used to issue permits staying unrepaired for years, despite efforts of the Officer In Charge of the Taxi Detail to have it repaired. The evidence proved that the act by the members was justified by Department Policy, procedure or regulation; and that the issue is a resource allocation issue.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/09 **DATE OF COMPLETION:** 10/15/09 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The victim stated he called police after the complainant attempted to enter his residence. The victim described the complainant to the officers with detailed specificity and tracked the complainant's movements to the location where the police detained and arrested him. The victim positively identified the complainant as the suspect in a home burglary. The officers had probable cause to detain and arrest the complainant based on the evidence.

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force against the complainant.

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

FINDINGS OF FACT: The officers denied committing the alleged acts. There were no identified witnesses. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/09 **DATE OF COMPLETION:** 10/15/09 **PAGE #2 of 2**

SUMMARY OF ALLEGATIONS #5-6: The officers failed to take required action.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/09 **DATE OF COMPLETION:** 10/08/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately and/or made inappropriate comments. The officer denied the allegation. Two witnesses said the officers were professional and helpful during the contact. No independent 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/09 **DATE OF COMPLETION:** 10/15/09 **PAGE #** 1 of 2

SUMMARY OF ALLEGATION #1: The officer issued a 37 A notice without justification.

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

FINDINGS OF FACT: The officer denied the allegation. There is insufficient evidence to determine that the officer had not investigated the situation prior to issuing the notice. There is also insufficient evidence to determine that the complainant had not been in violation of parking in the same spot for seven days prior to his moving the cars for street cleaning and then parking them in the same spot. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/09 **DATE OF COMPLETION:** 10/15/09 **PAGE #** 2 of 2

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/12/09 **DATE OF COMPLETION:** 10/30/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer interrupted her and did not allow her to explain the circumstances involved. The complainant said the officer told her to lower her voice, not to make terrorist threats, and terminated the call with her. The complainant provided an officer's name, and information that she believed the officer to be a member of the San Francisco Police Department. Department records do not show a match for the name provided by the complainant. Several officers with names similar to the one provided by the complainant were questioned by the OCC. All officers denied having any knowledge of the incident or any knowledge by the complainant. The witness did not respond to OCC contacts. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer misused his authority.

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

FINDINGS OF FACT: The complainant stated the officer misused his power. The officers denied the allegation and stated they had no knowledge of the complainant. The officers further stated their last names were different from the name provided by the complainant. The witness did not respond to OCC contacts. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/09 **DATE OF COMPLETION:** 10/28/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainants failed to respond to the repeated contact attempts. When one of the complainants finally contacted the Office of Citizen Complaints, she stated she wanted to suspend this matter until she spoke with an attorney, whom she would not identify. Six weeks later, the Office of Citizen Complaints sent letters to the complainants stating they needed to be interviewed within thirty days. None of the complainants responded within six weeks. The complainants further failed to respond to subsequent telephone calls. An investigation could not go forward without the cooperation of the complainants.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/09 **DATE OF COMPLETION:** 10/03/09 PAGE #1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer issued him an erroneous citation for failing to stop at a controlled intersection. The complainant was adamant that he stopped at a stop sign at the controlled intersection. The officer stated he witnessed the complainant fail to stop at a controlled intersection and therefore issued a citation to the complainant. The passenger-witness-friend of the complainant said the complainant stopped his vehicle for the posted stop sign and an unknown crossing pedestrian. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer yelled and was rude toward him. The officer denied the allegation. The witness said the officer raised his voice but did not yell at the complainant. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/09 **DATE OF COMPLETION:** 10/26/09 **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 October 15, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/09 **DATE OF COMPLETION:** 10/24/09 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the officer is harassing her sons due to their father and uncle's criminal history and the officer's dealings with them. The officer denied the allegation. The complainant did not want her sons to be involved in this complaint. The complainant did not provide requested information. There were no witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/09 **DATE OF COMPLETION:** 10/08/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officer issued him a citation without cause. In this case, the officer stopped and issued the complainant a citation for driving his vehicle without license plates. When asked where his plates were, the complainant reportedly said they were at his house. The complainant denied receiving his plates. No witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer issued an inaccurate citation.

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

FINDINGS OF FACT: The complainant alleged that the officer issued him an inaccurate citation. The complainant said the officer wrote in the citation the wrong section of the Vehicle Code. The evidence, however, shows the contrary. The evidence shows that the officer correctly used the applicable section of the Vehicle Code. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was, justified, lawful, and valid.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/09 **DATE OF COMPLETION:** 10/08/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to maintain required knowledge.

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

FINDINGS OF FACT: The complainant alleged that the officer failed to maintain required knowledge. The evidence shows that the officer accurately used the applicable Vehicle Code section in issuing a citation to the complainant. The evidence therefore proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/09 **DATE OF COMPLETION:** 10/21/09 **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 stated the officer failed to take his statement regarding an incident that the complainant had witnessed. The officer denied the allegation. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/09 **DATE OF COMPLETION:** 10/24/09 **PAGE #1** of 1

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

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

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

University of California, San Francisco
Police Department
1855 Folsom Street, Suite 145
San Francisco, CA 94103-4232

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/09 **DATE OF COMPLETION:** 10/24/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The evidence showed that the complainant violated a stay away order and had outstanding warrants from outside jurisdictions. The officer arrested the complainant for those violations. The evidence showed that the acts, which provide the basis for the allegation, occurred; however, such acts, were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/09 **DATE OF COMPLETION:** 10/03/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officers detained him without justification. The officers denied the allegations and stated that the complainant matched the description of a wanted person. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant alleged that the officers harassed him during the contact. The officers denied the allegations. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/09 **DATE OF COMPLETION:** 10/03/09 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officer made inappropriate comments during the contact. The officer denied the allegation. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/09 **DATE OF COMPLETION:** 10/20/09 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1-2: The officers' comments and behavior were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officers disconnected the phone during a conversation and made inappropriate comments.

Both officers denied the allegations. One officer said she had phone contact with the complainant multiple times. She tried to explain the issue at hand and what the complainant needed to do to obtain his property over repeated phone calls. The officer said the complainant hung up on her a few times and would call back again regarding the same issues. The officer acknowledged the complainant was placed on hold while she researched his court case and the information regarding his confiscated property. The other officer stated he did not make the alleged inappropriate comment and denied slamming the phone and disconnecting the call. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers would not release his property. The complainant stated he had a future scheduled court hearing to clear a warrant into another county.

Both officers denied the allegation. The officers were unable to return the complainant's confiscated money, due to his outstanding warrant.

During the OCC investigation, contact was made with a court clerk at the superior court criminal division. The court clerk corroborated the account of the named officers. The court clerk stated if an individual posts a bond on a warrant and sets a court date, the warrant will not be "recalled" until the defendant appears in court. Therefore, the police department will not release any monies confiscated until the defendant appears in court and has the warrant recalled. 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: 08/04/09 **DATE OF COMPLETION:** 10/03/09 **PAGE #1** of 2

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

CATEGORY OF CONDUCT: CRD

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant alleged the named officer would not consider her medical condition, had no sympathy for her situation and made inappropriate comments.

The officer denied the allegation. He made contact with the complainant and listened to her complaint regarding a dispute between her and her neighbors. The complainant advised him of her attempts to get a restraining order, but had been denied by the Magistrate. She told the officer that the Magistrate had ordered her to attend mediation along with her neighbors. The officer listened to the account of the neighbors regarding the dispute. After speaking with all involved parties, the officer encouraged the involved parties to participate in mediation to resolve their issues. The named officer said they all agreed to resolve their civil matters through mediation, as suggested by the Magistrate. The officer denied making the alleged statement regarding her medical condition. Furthermore, the officer denied making the alleged statement of being called away from a more significant police matter. The witness officer corroborated the named officer's account of the event. The witness officer did not hear the officer make the alleged inappropriate comments.

The neighbors stated the officers listened, interviewed all involved parties and suggested mediation to resolve their disputes. The neighbors said they all agreed to mediation, as the named officer suggested. The neighbors witness stated the officers were professional and courteous. The complainant's son corroborated they all agreed to mediation, but thought the officers were rude and didn't address the problems at hand. There is insufficient evidence to either prove or disprove the allegation. There were no witnesses independent of the dispute.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/09 **DATE OF COMPLETION:** 10/03/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2-3: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant alleged the officers failed to make a citizen's arrest, as she requested.

They met the complainant at her residence. The complainant informed the officers an argument regarding a civil dispute ensued involving her neighbors. The complainant told them she attempted to get a restraining order from a Magistrate, but was denied. The complainant was ordered by the Magistrate to attend mediation along with her upstairs neighbors. The complainant believed her upstairs neighbors could be placed under arrest for being involved in a heated argument with her. After hearing the complainant's side of the incident, they spoke with the neighbors and listened to their side of the incident. The neighbors informed them that the complainant had knocked on the door of their residence and an argument ensued between both parties. Initially, the complainant wished to pursue a citizen's arrest. After speaking with the neighbors, all parties agreed to resolve their civil matters through mediation per the Magistrate.

All of the witnesses corroborated the officers suggested mediation to resolve their civil dispute and all involved parties agreed to mediation. The complainant's alleged restraining order proved to be a request for orders to stop harassment and was not a court ordered document.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/05/09 **DATE OF COMPLETION:** 10/08/09 **PAGE #1 of 2**

SUMMARY OF ALLEGATION #1: The officer demonstrated 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 October 2, 2009.

SUMMARY OF ALLEGATION #2: The officer arrested 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 October 2, 2009.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/05/09 **DATE OF COMPLETION:** 10/08/09 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: The officer failed to 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 October 2, 2009.

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:** 10/03/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was arrested for being under the suspected influence of drugs in public. A citizen called 911 to report that a man was making threats to shoot people and appeared to be under the influence of drugs. The complainant matched the description provided by the caller. The named officers as well as two witness officers stated that the complainant displayed objective signs of intoxication, including stumbling, slurred speech and dilated pupils. They each stated the complainant was verbally aggressive and shouted profanities at the officers. The officers had probable cause to take the complainant into custody. Their conduct was proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT 08/05/09 **DATE OF COMPLETION:** 10/15/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant provided identifying information regarding the officer. The officer identified denied having any contact with the complainant. Furthermore, the named officer stated that on the day of the contact, he was off duty and in another county. Two photograph identification lineups took place and neither person selected the named officer. Department records corroborate that the officer was off duty. Department records were searched and no information was discovered, documenting a contact between the complainant and any member of the San Francisco Police Department. The evidence proved that the named officer was not involved in the act alleged.

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

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

FINDINGS OF FACT: The complainant provided identifying information regarding the officer. The officer identified denied having any contact with the complainant. Furthermore, the named officer stated that on the day of the contact, he was off duty and in another county. Two photograph identification lineups took place and neither person selected the named officer. Department records corroborate that the officer was off duty. Department records were searched and no information was discovered, documenting a contact between the complainant and any member of the San Francisco Police Department. The evidence proved that the named officer was not involved in the act alleged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT 08/05/09 **DATE OF COMPLETION:** 10/15/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to properly identify himself when requested.

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

FINDINGS OF FACT: The complainant provided identifying information regarding the officer. The officer identified denied having any contact with the complainant. Furthermore, the named officer stated that on the day of the contact, he was off duty and in another county. Two photograph identification lineups took place and neither person selected the named officer. Department records corroborate that the officer was off duty. Department records were searched and no information was discovered, documenting a contact between the complainant and any member of the San Francisco Police Department. The evidence proved that the named officer was not involved in the act alleged.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/08 **DATE OF COMPLETION:** 06/30/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant said an officer wearing plain clothes approached him in the lobby of Central Station and engaged in a profane tirade against a friend, in full view of the co-complainant and three other friends. The named officer confirmed he was the station keeper in charge of dealing with the public that night and that he booked the complainant, but denied encountering the complainant and his four friends, and denied the alleged actions and comments. Three witnesses corroborated the events as alleged by the complainant, as well as the physical description of the officer they encountered and his clothing. A co-complainant did not observe the alleged actions, but confirmed the named officer was wearing plain clothes. Three witness sergeants confirmed the physical description of the officer matched none other than the named officer among those on duty at the time. One witness officer said the physical description given by the complainant and witnesses matched several officers other than the named officer, but when provided with the roster for that shift, did not recall which officers. That officer confirmed one of the men the complainant claimed he was with, and another man, were outside Central Station on the night in question. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/08 **DATE OF COMPLETION:** 10/09/09 **PAGE** #1 of 3

SUMMARY OF ALLEGATION #2: The officers interfered with onlookers.

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

FINDINGS OF FACT: The complainant said one of the first officers to arrive on the scene told him to get out of the way and forced him to cross the street. The second officer, who eventually hugged the driver of the involved vehicle, threatened the complainant with jail when he asked for an uninvolved officer to respond. The co-complainant said both officers were on both sides of the street, and a third officer arrived and blocked the car window where he was held. The officers who first arrived at the scene said they did not recall taking any of the alleged actions. No other witnesses could corroborate the allegations or identify the officer. There was insufficient evidence to either identify the officer involved or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants alleged the named officer should have called another officer or a sergeant to the scene because the officer hugged one of the parties in the incident, and announced that she was a good friend of his. The named officer denied the allegation, stating that he hugged two other women at the scene, but not the party to the incident. The named officer further stated that although he knew the victim in this incident and did not report that fact, he was not required to because he was not assigned to the case. One witness officer said the named officer hugged one female at the scene, but not the involved female. Four witnesses, including the female party to the incident, reported that the named officer hugged her. One witness sergeant confirmed that the named officer, the senior officer on the scene, was considered assigned to the case. Department regulations state that when an officer has a personal interest in a case to which he is assigned, he must report that personal interest to an immediate superior. A preponderance of the evidence proved the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/08 **DATE OF COMPLETION:** 10/09/09 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainants alleged the named officer told bystanders to an incident to go get a witness if they wanted him to be interviewed, said, "I'll bet you've been to jail a few times," to the complainant and a friend, and said, "What are you, some kind of tough guy?" to the complainant. The co-complainant further stated the named officer ran the name of a witness for no legitimate reason. The named officer denied the allegations and said he did not recall running the name of a witness and did not recall why, if he did so. One witness officer denied hearing or observing the alleged comments and actions. Three witnesses provided accounts of the officers' actions and statements that did not fully agree. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5-6: The officers failed to accept a citizen's arrest.

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

FINDINGS OF FACT: The complainant said he asked for the named officers to arrest a woman with whom the co-complainant had engaged in a dispute. The named officers denied the allegation. The complainant and several witnesses were not present when the complainant asked for the woman to be arrested. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/01/08 **DATE OF COMPLETION:** 10/09/09 **PAGE #** 3 of 3

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

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

FINDINGS OF FACT: The co-complainant denied he made a statement that appeared in the incident report attributed to him. The named and one witness officer denied the allegation. Several witnesses interviewed were not present when the co-complainant made the statement. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/08 **DATE OF COMPLETION:** 06/30/09 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant said an officer wearing plain clothes approached him in the lobby of Central Station and engaged in a profane tirade against a friend, in full view of the co-complainant and three other friends. The named officer confirmed he was the station keeper in charge of dealing with the public that night and that he booked the complainant, but denied encountering the complainant and his four friends, and denied the alleged actions and comments. Three witnesses corroborated the events as alleged by the complainant, as well as the physical description of the officer they encountered and his clothing. A co-complainant did not observe the alleged actions, but confirmed the named officer was wearing plain clothes. Three witness sergeants confirmed the physical description of the officer matched none other than the named officer among those on duty at the time. One witness officer said the physical description given by the complainant and witnesses matched several officers other than the named officer, but when provided with the roster for that shift, did not recall which officers. That officer confirmed one of the men the complainant claimed he was with, and another man, were outside Central Station on the night in question. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/09 **DATE OF COMPLETION:** 10/11/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately. The officer denied the allegation. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The officer stated he cited the complainant for failing to stop at two posted stop signs. The officer's partner stated that he did not witness the traffic violations, as his attention was directed elsewhere. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant could not articulate any specific behavior or comments by the officer that could be considered rude or inappropriate. He complained that the officer ordered him to park his scooter in the middle of street, which he felt was unsafe. The officer's partner stated the complainant was parked in a safe area against the sidewalk, with the patrol car parked behind the scooter, blocking traffic. The named officer stated the complainant was not stopped in the middle of the street but positioned in a safe area next to a line of parked cars approximately twenty feet in front of the patrol car. The complainant appeared to be an inexperienced rider and did not know how to handle or park his scooter on the incline. The officer stated he advised the complainant to move the scooter so the front wheel was pointing uphill and to use the kickstand. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/09 **DATE OF COMPLETION:** 10/15/09 **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 September 28, 2009.

SUMMARY OF ALLEGATION #2: The officer demonstrated inappropriate and biased behavior/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 September 28, 2009.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/09 **DATE OF COMPLETION:** 10/16/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer acted inappropriately. The officer denied the allegation. A witness officer stated that he did not observe any officer act inappropriately. There were no witnesses that came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: 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 include all the details of their contact in the incident report. The officer denied the allegation. There were no witnesses that came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/09 **DATE OF COMPLETION:** 10/16/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to write an accurate and complete incident report.

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

FINDINGS OF FACT: The complainant alleged that the incident report was inaccurate and incomplete. The officer denied the allegation. Witness officers denied the allegation. There were no witnesses that came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/09 **DATE OF COMPLETION:** 10/03/09 **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 September 28, 2009.

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:** 10/24/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. The co-complainant withdrew the complainant.

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

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

FINDINGS OF FACT: The complainant failed to provide requested evidence. The co-complainant withdrew the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/09 **DATE OF COMPLETION:** 10/24/09 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. The co-complainant withdrew the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/09 **DATE OF COMPLETION:** 10/15/09 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer demonstrated inappropriate behavior 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 October 9, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/09 **DATE OF COMPLETION:** 10/08/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that he was cited because he made a gesture to the driver of the police car trying to complete a left turn. The officer said the complainant was in violation of several vehicle codes. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer made threatening and inappropriate comments. During the contact, the complainant said the officer threatened to charge him with delaying an investigation. The officer denied the allegation. The complainant's companion who was with him in the car could not recall the officer making such a statement. No other witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/09 **DATE OF COMPLETION:** 10/08/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The complainant alleged that the officer failed to accept an OCC complaint. The officer denied the allegation. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/09 **DATE OF COMPLETION:** 10/11/09 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant alleged that the officer issued him a citation without cause. The officer denied the allegation. The officer stated the complainant was cited for having no lights on his bicycle. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made threatening and/or inappropriate behavior.

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

FINDINGS OF FACT: The complainant alleged that the officer made threatening and behaved inappropriately during the contact. The complainant said the officer repeatedly pushed his body against the complainant and his bicycle in an intimidating manner. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/09 **DATE OF COMPLETION:** 10/11/09 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to promptly provide his name and star number when asked. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer interfered with the complainant's right as an onlooker.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/09 **DATE OF COMPLETION:** 10/11/09 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5-6: The officers committed racially biased policing.

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

FINDINGS OF FACT: The complainant alleged that the officers committed racially biased policing. The complainant said the officers contacted a group of homeless subjects because of their race. The officers denied the allegation. The officers stated they contacted the subjects because they were in violation of 25 MPC – No Trespassing. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/09 **DATE OF COMPLETION:** 10/03/09 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the officer issued him an erroneous citation for failing to wear a seatbelt. The complainant stated he was wearing his seatbelt. The officer stated he issued the complainant a citation because he observed the complainant driving while not wearing a seatbelt, a violation of the California Vehicle Code. There were no witnesses to this traffic stop. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer used threatening and inappropriate behavior and comments toward the complainant.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/09 **DATE OF COMPLETION:** 10/08/09 **PAGE#**1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to accept a citizen's 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 October 2, 2009.

SUMMARY OF ALLEGATION #2: The officer displayed inappropriate behavior 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 October 2, 2009.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/09 **DATE OF COMPLETION:** 10/24/09 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant refused to provide additional requested evidence. The complainant refused to provide a statement.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/08 **DATE OF COMPLETION:** 10/08/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: In his written complaint form, the complainant stated that multiple unidentified officers struck him with batons, fists and their feet, causing him to lose consciousness. During an interview with the OCC, the complainant stated that the named officer struck him in the head with a baton after he was handcuffed, causing him to lose consciousness, but that he did not recall other officers striking him. Department records indicate that the complainant led police from San Francisco and police officers from two neighboring cities on a high-speed chase on city streets and highways, and that after his vehicle crashed, he fled on foot and resisted arrest while holding a small bladed weapon in his hand. The complainant admitted fleeing from police at high speed and violating traffic laws as he did so, but denied fleeing on foot, resisting arrest or having a weapon in his hand. Photographs of the complainant and his medical records document fractures of several facial bones. A subject matter expert who reviewed the medical records and photographs stated that the complainant's injuries were not consistent with being struck with a baton, but could have been caused by contact with a blunt surface. A civilian witness riding in the complainant's vehicle stated that he did not witness the complainant's arrest, and that he sustained severe bruising from the force of the impact when the vehicle crashed. A second civilian witness in the vehicle could not be interviewed by the OCC. The named officer and two other witness officers who took him into custody stated that the complainant fled from them on foot while holding a small bladed weapon in his hand, refused commands and resisted when they grabbed him by the arms. The officers stated that the named officer pulled the complainant's legs out from under him, causing the front side of the complainant's body to come into contact with the sidewalk. These officers stated that they observed an injury to the complainant's face after they handcuffed him, but all denied striking the complainant after he was handcuffed. One witness officer confirmed their account. Other witness officers who were at the scene stated that they did not observe the complainant's arrest or did not recall this incident. Officers from three police departments were involved in this pursuit and the complainant's subsequent arrest. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/09 **DATE OF COMPLETION:** 10/11/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer removed a vehicle from auction without cause.

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

FINDINGS OF FACT: The officer stated that the Operations Manager of Auto Return removed the vehicle from auction. The Operations Manager stated he removed the vehicle from auction because it contained personal property; vehicles cannot be auctioned until all the owner's personal property is removed. In his OCC interview, the complainant stated he saw "expensive tools" inside the van when he was viewing it before auction. The complainant stated that he has been buying cars at this auction for twelve years. He knew, or should have known, that vehicles containing personal property cannot be auctioned. The allegation is unfounded.

SUMMARY OF ALLEGATION #2: The officer threatened to arrest the complainant.

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

FINDINGS OF FACT: The officer stated he told the complainant to leave the premises as his threats and vulgar behavior toward Auto Return employees was not going to be tolerated. He advised the complainant that if he did not leave the premises, he would be arrested for disobeying a lawful order.

The Auto Return Operations Manager stated that the complainant was very upset and yelled at him when he tried to explain why he removed the vehicle from auction. The manager stated he repeatedly apologized to the complainant but the complainant continued to yell in an incomprehensible manner. The officer intervened and told the complainant he had to leave. The complainant "answered back" at the officer in a rude manner. The manager said he did not hear the officer threaten to arrest the complainant. The complainant finally left. The officer's conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/09 **DATE OF COMPLETION:** 10/13/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officers failed to investigate an incident. The evidence shows that the incident is civil in nature. The officers, therefore, were not required to conduct an investigation. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/09 **DATE OF COMPLETION:** 10/03/09 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: The officers harassed the complainant.

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

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

SUMMARY OF ALLEGATION #: The officers used racially biased policing toward the complainant.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/09 **DATE OF COMPLETION:** 10/29/09 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately and made threatening 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 October 23, 2009.

SUMMARY OF ALLEGATION #2: The officer behaved 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 October 23, 2009.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/09 **DATE OF COMPLETION:** 10/24/09 **PAGE #1** of 1

SUMMARY OF ALLEGATIONS #1-2: 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 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/09 **DATE OF COMPLETION:** 10/26/09 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS # 1-2: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The officers denied the allegation. The complainant is deceased and did not provide an interview to OCC. Additional information from the complainant would have been necessary and needed to properly investigate the allegation.

SUMMARY OF ALLEGATION #3-4: The officers harassed the complainant.

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

FINDINGS OF FACT: The officers denied the allegation. The complainant is deceased and did not provide an interview to OCC. Additional information from the complainant would have been necessary and needed to properly investigate the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/09 **DATE OF COMPLETION:** 10/26/09 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #5: The officer used excessive force during the transport.

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

FINDINGS OF FACT: The officer and a witness officer denied the allegation. The complainant is deceased and did not provide an interview to OCC. Additional information from the complainant would have been necessary and needed to properly investigate the allegation.

SUMMARY OF ALLEGATION #6: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant wrote that the officers responded to a fight between people hanging out on the street. The complainant wrote that the officer told him to go home. The named officer and his partner stated that they were responding to a dispatched call of a street fight. When the officers arrived on scene they advised all persons to disperse. The evidence as corroborated by the complainant's statement, show that the actions of the officer was proper and lawful when he advised persons to leave the area where a street fight had just occurred.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/09 **DATE OF COMPLETION:** 10/26/09 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #7: The officer detained/arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant wrote that the officer arrested him for being intoxicated in public. The complainant wrote that he was not intoxicated. The named officer and his partner responded that the complainant was detained for public intoxication. The complainant is deceased and did not provide an interview to OCC. Additional information from the complainant would have been needed to properly investigate the allegation.

SUMMARY OF ALLEGATION #8: The officer used profanity.

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

FINDINGS OF FACT: The officer and his partner denied the allegation. The complainant is deceased and did not provide an interview to OCC. Additional information from the complainant would have been necessary and needed to properly investigate the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/09 **DATE OF COMPLETION:** 10/26/09 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #9: The officer detained/arrested the complainant without cause.

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

FINDINGS OF FACT: Another officer was identified as the officer who made the initial detention of the complainant. The evidence proved that the named member was not the detaining officer.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/09 **DATE OF COMPLETION:** 10/11/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 10.07.

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/09 **DATE OF COMPLETION:** 10/15/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the SF MTA – DPT Enforcement & Security Detail.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/09 **DATE OF COMPLETION:** 10/24/09 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant admitted to committing the act for which he was cited. The action of the officers was justified, lawful and proper.

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

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

FINDINGS OF FACT: The officers said the complainant was handcuffed for officer safety as well as his own safety while a search was conducted of his vehicle for evidence of a crime. There is insufficient evidence to prove that any crime other than the vehicle code violation for which the complainant was cited occurred. There were no witnesses. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/09 **DATE OF COMPLETION:** 10/24/09 **PAGE #2** of 2

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

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

FINDINGS OF FACT: The officers said the vehicle was searched based on their reasonable suspicion that it may have contained evidence of a crime. Officers may conduct a vehicle search if they have reason to believe that the vehicle contains evidence for which an arrest can be made. There were no witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS #5-6: The officers engaged in selective enforcement.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/09 **DATE OF COMPLETION:** 10/30/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer issued citations to the complainant without cause.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 10/11/09 **PAGE #1** of 1

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO(2) **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters not rationally within the 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: 09/28/09 **DATE OF COMPLETION:** 10/03/09 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **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 County Sheriff's Department
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: 09/29/09 **DATE OF COMPLETION:** 10/11/09 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO(2) **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters not rationally within the 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: 09/25/09 **DATE OF COMPLETION:** 10/13/09 **PAGE #1** of 1

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO(2) **DEPT. ACTION:**

FINDINGS OF FACT: This (allegation) complaint raises matters not rationally within the 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: 09/30/09 **DATE OF COMPLETION:** 10/29/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer stopped the complainant because he had a missing front license plate. Following an investigation, the officer further found the complainant had an extinguished rear license plate lamp. The officer issued the complainant a citation to the complainant for the extinguished license plate lamp. The officer properly stopped the complainant for an existing Vehicle Code violation and conducted an appropriate investigation. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 10/29/09 **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 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: 10/02/09 **DATE OF COMPLETION:** 10/15/09 **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 stated the officer failed to take a report of a crime. The officer responded to the complainant's room and took a report of an alleged theft. Department records proved the officer took the complainant's statement, reflected the event in writing and filed the report in a timely fashion. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/04/09 **DATE OF COMPLETION:** 10/11/09 **PAGE #1** of 1

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

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

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

United States Park Police
1217 Ralston Avenue
San Francisco, CA 94129

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/06/09 **DATE OF COMPLETION:** 10/29/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer(s) failed to investigate.

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

FINDINGS OF FACT: The evidence showed that the San Francisco Medical Examiner has the authority over the investigation and disposition of deceased persons found within the city of San Francisco. The Medical Examiner's office determined that there was no homicide in this instance. As such, the San Francisco Police Department was not involved in the investigation of the matter and had no jurisdiction. The evidence showed that no member of the San Francisco Police Department was involved in this case.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/06/09 **DATE OF COMPLETION:** 10/29/09 **PAGE #1** of 1

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

CATEGORY OF CONDUCT: CRD **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: 10/08/09 **DATE OF COMPLETION:** 10/29/09 **PAGE#** 1 of 2

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

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

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

SUMMARY OF ALLEGATION #3-4: The officers displayed inappropriate behavior and made inappropriate comments.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/08/09 **DATE OF COMPLETION:** 10/29/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5: The officer used excessive force.

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer talked on his cell phone while driving

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

FINDINGS OF FACT: The complainant stated she saw a possible San Francisco police officer driving an unmarked vehicle while talking on his cell phone. Office of Citizen Complaints contacted San Francisco Police Department Fleet Management and provided the detailed information provided by the complainant. The complainant provided the vehicle ID number, color, and possible make of the vehicle. Fleet Management relayed to Office Citizens Complaints that the San Francisco Police Department does not have any vehicle in their inventory matching the description of the vehicle provided by the complainant. The evidence proved that the action complained of did not involve a sworn member of the department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

Department of Parking and Traffic
1 South Van Ness Avenue
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/08 **DATE OF COMPLETION:** 10/16/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainants alleged that, in an investigation into the homicide of their relative, the Department did not process forensic evidence in a timely manner, did not adequately pursue leads, did not coordinate Department efforts to publicize the investigation with those of the family, and did not coordinate the homicide investigation with an investigation in a fraud case against the victim's widow. The investigation established that, in its homicide investigation, the Department processed the forensic evidence, developed leads, and eliminated possible suspects. The separation of the fraud investigation and the homicide investigation was within the Department's discretion to determine the appropriate allocation of resources.

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

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

FINDINGS OF FACT: The complainants alleged the officer failed to respond to their attempts to communicate. The officer has separated from the Department and is no longer subject to discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/09 **DATE OF COMPLETION:** 10/24/09 **PAGE #1** of 2

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

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

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

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

SUMMARY OF ALLEGATION #2: The officer failed to maintain required knowledge.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/09 **DATE OF COMPLETION:** 10/24/09 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: The officer failed to properly process the complainants' property.

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

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

San Francisco State 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: 10/08/09 **DATE OF COMPLETION:** 10/14/09 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer talked on his cell phone while driving

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

FINDINGS OF FACT: The complainant stated she saw a possible San Francisco police officer driving an unmarked vehicle while talking on his cell phone. Office of Citizen Complaints contacted San Francisco Police Department Fleet Management and provided the detailed information provided by the complainant. The complainant provided the vehicle ID number, color, and possible make of the vehicle. Fleet Management relayed to Office of Citizen Complaints that the San Francisco Police Department does not have any vehicle in their fleet inventory matching the description or number of the vehicle provided by the complainant. The evidence proved that the action complained of did not involve a sworn member of the department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/09 **DATE OF COMPLETION:** 10/29/09 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complaint raised 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: 10/19/09 **DATE OF COMPLETION:** 10/20/09 **PAGE #1** of 1

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

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

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

San Francisco Municipal Transportation Agency
1 South Van Ness Avenue
San Francisco, CA 94013

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/19/09 **DATE OF COMPLETION:** 10/20/09 **PAGE #1** of 1

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

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

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

Management Control Division
San Francisco Police Department
850 Bryant Street, Room 545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/20/09 **DATE OF COMPLETION:** 10/20/09 **PAGE #1** of 1

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

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

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

San Francisco Police Department
Southern Station
850 Bryant Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/20/09 **DATE OF COMPLETION:** 10/20/09 **PAGE #1** of 1

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

CATEGORY OF CONDUCT: N/A **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
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: 10/21/09 **DATE OF COMPLETION:** 10/24/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded to the San Quentin State Prison.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/09 **DATE OF COMPLETION:** 10/29/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: This complaint raises matters not rationally within the 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: 10/29/09 **DATE OF COMPLETION:** 10/29/09 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO2 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters not rationally within the 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: 12/03/08 **DATE OF COMPLETION:** 10/03/09 **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 stated that a taxicab driver refused to take her to her destination until she paid him, made insulting and racially derogatory comments to her and raised his hand as if to strike her. The complainant summoned the police, and the named officer who responded told the complainant to take another taxicab that was on the scene, but took no other action. The complainant stated that she did not ask the named officer to take a report. The named officer stated that the complainant, who appeared to have been drinking, told him the taxi driver made insulting and racially derogatory comments to her but did not report the driver threatening her with violence. The complainant told him she wanted another taxi to drive her to her destination, and did not request any further police action. The named officer's partner confirmed his account of the incident. Other officers who responded did not recall the incident. The taxi driver and another civilian witness stated that the complainant appeared to be intoxicated and confirmed that the officers facilitated her boarding another taxi. They did not recall the complainant asking the officer to take any specific action. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/05/08 **DATE OF COMPLETION:** 10/24/09 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer improperly pursued a vehicle.

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

FINDINGS OF FACT: The complainant stated he was involved in a vehicle accident that resulted in a fatality because numerous police cars pursued the vehicle he was riding in. The officer stated he saw the vehicle the complainant was riding in, which matched the description of a vehicle involved in an auto-boosting and a hit-and-run. The officer initiated a pursuit, which was acknowledged by a sergeant. The officer stated, and Department records disclosed, that there was only one police unit in the pursuit. The officer properly followed the San Francisco Police Department Pursuit Policy.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/22/08 **DATE OF COMPLETION:** 10/23/09 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated that two separate taxi drivers came to him independently complaining of profane statements made to them by the officer. The officer denied the allegation. No corroborating witnesses were available. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer made inappropriate statements and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that two separate taxi drivers came to him independently complaining of inappropriate statements and behavior made by the officer. The officer denied the allegation. No corroborating witnesses were available. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/22/08 **DATE OF COMPLETION:** 10/23/09 **PAGE#**2 of 2

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

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

FINDINGS OF FACT: The officer failed to document a traffic stop of one of the complainant's supervisees, a taxi driver. The officer was required to log his traffic stop data in accordance with the provisions of Department Bulletin 08-268. The Office of Citizen Complaints learned the officer failed to log the taxi driver's gender, ethnicity, date of birth, time of stop, location of stop and reason for the stop into the appropriate database, as required for San Francisco Police Department accountability. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/29/08 **DATE OF COMPLETION:** 10/15/09 PAGE #1 of 5

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

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

FINDINGS OF FACT: The complainant stated she was visiting a friend in her hotel room when the officers entered the hotel room, and detained her and the other guests. The complainant walked away and she was placed in handcuffs and escorted out of the hotel. Once she was out of the hotel, she was placed in a police vehicle for several minutes before she was released. The officers stated the complainant was among a group of individuals who were being detained for a call regarding a robbery that was later changed to a disturbance. The complainant walked away from the scene and the officers followed her and placed her in handcuffs. The officers stated the complainant was very combative and they were attempting to escort her out of the hotel at the manager's request. There were no independent witnesses to this incident. The evidence proved that the alleged acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated while the officer was attempting to place her in handcuffs, he struck her head against the wall and pulled out her hairpiece. The officer stated the complainant was very combative and he had to place her in handcuffs to escort her out of the hotel. The officer also denied using any excessive force or pulling the complainant's hairpiece out. Video footage from the hotel shows another named officer pulling out the complainant's hairpiece, but because of the limited footage, it is inconclusive if the complainant was resisting or if the officer was using a control hold. The complainant's witnesses and the other officers did not observe these incidents. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/29/08 **DATE OF COMPLETION:** 10/15/09 PAGE #2 of 5

SUMMARY OF ALLEGATION #6: The officer used racial slurs.

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

FINDINGS OF FACT: The complainant stated the officer used various racial slurs during her detention. The officer denied using any racial slurs. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #7: The officer used profanity

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

FINDINGS OF FACT: The complainant stated the officer used profanity during her detention. The officer denied using any profanity. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 12/29/08 **DATE OF COMPLETION:** 10/15/09 PAGE #3 of 5

SUMMARY OF ALLEGATION #8: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments to her. The officer denied this allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #9: The officer did not provide a Certificate of Release.

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

FINDINGS OF FACT: The complainant was physically restrained with handcuffs and moved a substantial distance. The officer admitted to assisting with handcuffing and moving the complainant. The officer believed he was expediting the complainant's departure from the hotel instead of her being detained. Other officers have admitted to assisting the named officer with the handcuffing and the relocation of the complainant. According to Department General Order 5.03, a Certificate of Release is to be prepared when someone is physically restrained or moved a substantial distance. The named officer was the senior officer on the scene and responsible for the proper completion of the investigation according to the department regulations. 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 when the complainant was not issued a Certificate of Release.

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DATE OF COMPLAINT: 12/29/08 **DATE OF COMPLETION:** 10/15/09 PAGE #4 of 5

SUMMARY OF ALLEGATION #10: The officer searched the hotel room without cause.

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

FINDINGS OF FACT: The complainant stated the officer searched the hotel room she was visiting. The officer stated he did a protective sweep of the hotel room because he was dispatched for a robbery that later turned into a disturbance. 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 #11: The officer searched the complainant's purse without cause.

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

FINDINGS OF FACT: The complainant stated the officer asked her for her identification and she told him it was in her purse. The officer searched the complainant's purse while she was being detained. The officer stated he was searching for the complainant's identification because she told him it was in her purse. 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
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DATE OF COMPLAINT: 12/29/08 **DATE OF COMPLETION:** 10/15/09 PAGE #5 of 5

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to prepare an incident report.

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

FINDINGS OF FACT: The complainant was physically restrained with handcuffs and moved a substantial distance. The officer admitted to assisting with handcuffing and moving the complainant. The officer believed he was expediting the complainant's departure from the hotel instead of her being detained. Other officers have admitted to assisting the named officer with the handcuffing and the relocation of the complainant. According to Department General Order 5.03, a certificate of release is to be prepared when someone is physically restrained or moved a substantial distance, and an incident report is to be prepared to document the incident. The named officer was the senior officer on the scene and responsible for the proper completion of the investigation according to the department regulations. 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 an incident report was not prepared to document this incident.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/09 **DATE OF COMPLETION:** 10/08/09 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer harassed the complainants.

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

FINDINGS OF FACT: The complainants stated that the officer called them several times on the phone to tell them that their teenage son was in danger, asking to keep him at home for several days. A plainclothes unit was also sent to their residence and officers insisting in coming inside to speak with the complainants' son. According to the complainants, these actions were intended to "stress out" and "to harass" them rather than to protect their son. The named member stated that he received information from a reliable source indicating a possible shooting in the area, targeting the complainants' son. The officer also stated that it was his responsibility as a police officer to take precautionary steps in order to protect the teenager's life. The district captain told the OCC that there was indeed information from a reliable source concerning possible shooting, in which the complainant's son might be a target. The complainant's son did not respond to the OCC's requests for an interview. The available evidence showed that the alleged actions indeed occurred but they were justified, reasonable and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer obtained their consent for the search of the house by coercion. The named member stated the complainants gave permission to search their residence and voluntarily signed the consent form. The complainants' son, who was present at the scene at the time, did not respond to OCC's requests for an interview. Three friends of the complainants' son, who were detained by the police in front of the residence during this incident, did not respond to OCC's requests to be interviewed. Two officers, who were also involved in the incident, did not have independent recollections as to who and how the complainants' consent to search their residence. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/02/09 **DATE OF COMPLETION:** 10/08/09 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer arrested the complainants' son without cause.

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

FINDINGS OF FACT: The complainants stated that the police had no legitimate reason to arrest their son. The named member stated that the complainant's son was taken into police custody after a handgun with an altered serial number was seized during the search of his room. The complainants' son did not respond to the OCC's requests for an interview. The evidence obtained by the OCC was inconclusive as to whether the complainants' consent for the search of the residence, which resulted in the discovery of the said handgun, was given voluntarily and not coerced by the police. Therefore, the evidence was insufficient to either prove or disprove the allegation concerning the arrest of the complainants' son.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: One complainant stated that the officer made a comment with profane language towards him. The second complainant corroborated the comment but insisted that the officer used no profanity. The named member denied using profanity during the incident. Three other officers involved in this incident supported this statement. The complainants' son and his three friends, who were present at the scene during the event, did not respond to the OCC's requests for an interview. No other witnesses came forward. The available evidence proved, by a preponderance, that the specific acts alleged in the complaint (profanity) did not occur.

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DATE OF COMPLAINT: 01/02/09 **DATE OF COMPLETION:** 10/08/09 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: One of the complainants stated that the officer made an inappropriate comment. The statement from the second complainant was inconclusive to corroborate the alleged misconduct. The named member denied making the said comment. Three other officers present at the scene stated that they did not hear any such comments. The complainants' son and his three friends, who were also present at the scene, did not respond to the OCC's requests for an interview. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/12/09 **DATE OF COMPLETION:** 10/21/09 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer demonstrated threatening and rude behavior.

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

FINDINGS OF FACT: The complainant alleged that the officer demonstrated threatening and rude behavior during the contact. The officer denied the allegation. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/09 **DATE OF COMPLETION:** 10/19/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The co-complainant stated that he gave the officer consent to search him for weapons but the actual search went beyond this scope. The named member stated that he conducted a lawful search within the boundaries of the given consent. The officer's partner told the OCC that he did not see how the search was conducted. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The co-complainant stated that his arrest was unlawful. The named member stated that he arrested the co-complainant after seizing concentrated marijuana during the search to which the complainant consented. The officer's partner supported this statement. No other witnesses came forward. The evidence developed by the OCC during the investigation was inconclusive to determine whether the officer's search was, in fact, conducted within the scope of the given consent. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/06/09 **DATE OF COMPLETION:** 10/29/09 **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 alleged that the officer fired his service weapon at a passenger in another vehicle. The officer acknowledged that he fired one shot from his Department issued firearm in self-defense and stated that the force used was reasonable and necessary under the circumstances. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: