

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/06 **DATE OF COMPLETION:** 11/13/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation and stated that he alone took the complainant to the ground due to his resistance to the arrest, and the complainant likely sustained a forehead abrasion during the fall. One of the identified witnesses on scene gave an inconsistent statement, others were unable to see the arrest, and the whereabouts of another are unknown. OCC attempts to locate such witness were not successful. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/02/06 **DATE OF COMPLETION:** 11/30/06 **PAGE#** 1 of 1

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

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:

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DATE OF COMPLAINT: 10/02/06 **DATE OF COMPLETION:** 11/17/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on 11/14/06.

SUMMARY OF ALLEGATION #2: The officer exhibited 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 11/14/06.

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DATE OF COMPLAINT: 10/04/06 **DATE OF COMPLETION:** 11/30/06 **PAGE#** 1 of 1

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

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

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

Carol Benard
Emergency Communications Department
1011 Turk Street
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated she crossed the solid line so she could pass the unmanned parked police car that was stopped in the street blocking her lane. The named member stated there was no unmanned police car parked in Fulton Street or in the immediate area of contact. The named member and another officer stated the complainant overtook and passed them and two other cars on the left side driving over the center road line. There were no independent witnesses to this event. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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

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

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

Lt. Al Kennedy
San Francisco Sheriff's Department
Internal Affairs Unit
25 Van Ness Ave. # 350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/12/06 **DATE OF COMPLETION:** 11/30/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The named and one witness officer denied the rude comments alleged and denied that the officer behaved inappropriately. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer failed to intervene when his partner made inappropriate comments and engaged in inappropriate behavior. The named and one witness officer denied that any officer engaged in the alleged behavior. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he is a taxi driver whose passenger disputed the amount of money owed for the trip and refused to pay the full amount. The complainant stated that the passenger then punched him in the face. The complainant stated that when police officers arrived, they failed to arrest his assailant. Department records establish that the assailant was cited for battery, that the incident was documented in a report that was forwarded to the district attorney's office and that the complainant was given a reportee follow-up form with the case number. The evidence established that the officer properly cited and released the assailant for a misdemeanor not committed in the officer's presence. The evidence proved that the action complained of was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers failed to thoroughly investigate.

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

FINDINGS OF FACT: The complainant stated the officers failed to hear her version of the story to determine the appropriate police action to take. The officers denied the allegation. There were no independent witnesses. There is insufficient evidence either to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer pulled her from her seat and threatened to evict her from the stadium. The officer denied the allegation, stating the complainant accompanied the officer to the stadium concourse without incident. The officer admitted to telling the complainant she must either pay the good vendor or be ejected from the stadium after a full investigation of the incident occurred; however, the officer stated this option was done professionally and was consistent with the policy of the San Francisco 49ers, for whom the officer acted as their agent. There is insufficient evidence either to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence in connection with his complaint.

SUMMARY OF ALLEGATION # :

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

FINDINGS OF FACT:

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

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

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

Lieutenant Neal P. Griffin
Management Control Division
San Francisco Police Department
850 Bryant Street Rm. 545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer placed a Section 72 hour parking notice on the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that an officer placed a notice on his vehicle prohibiting parking in one place for more than 72 hours, and warning that it needed to be moved by the following day or the owner might be subject to a fine. The complainant stated that he had been parked at that location for only five hours, and suspects that the officer placed the notice because of the many bumper stickers that adorn the complainant's vehicle. The complainant admitted that he had been parking and living inside his vehicle in the immediate area for the past three weeks, but had been moving his vehicle in accordance with the street-sweeping schedule. Department records indicate that on the day of this incident, a civilian who works at a nearby business reported that the complaint's vehicle had been parked at that location for three days, and that the named officer placed the warning notice in response to this individual's complaint. The evidence proved that the action complained of was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he drove over a divided section of a highway and made eye contact with the officer while waiting to be allowed to change lanes. Section 21651(a)(1) of the California Vehicle Code makes such act unlawful. The complainant also stated that once he drove over the divided section, he could not back up in traffic. Under the circumstances, the officer was not required to warn the complainant and his actions were therefore proper and lawful.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

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

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

FINDINGS OF FACT: The named officers acknowledged their roles in the operation that led to the detention of the complainant but denied the allegations, stating that an informant set up a drug deal and identified the complainant when he arrived in the arranged location. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The named and three witness officers denied the allegations, stating that an informant identified the complainant as having agreed to meet and sell the informant drugs. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #8-12: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The named officers acknowledged their roles in the complainant's arrest, but denied the allegations. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #13: The officer searched a residence without cause.

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

FINDINGS OF FACT: The named and three witness officers denied the warrantless search conducted by the named officer was without cause. The named officer and two witnesses stated that exigent circumstances existed allowing the named officer to conduct the search without a warrant. Department regulations and case law require exigent circumstances for a warrantless search. The evidence provided by the named and witness officers did not meet the criteria set out by case law. A preponderance of the evidence proved that the conduct complained of did occur and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #14: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant said he was missing cash and other property from his person and his room. The officers involved in the arrest and search of the complainant could not recall whether they saw the missing property, or denied having seen the property. There were no witnesses who came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #15: The officer harassed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that numerous unnamed officers harassed him. The named and witness officers in the immediate case denied the allegations. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #16: The officer unlawfully entered a residence.

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

FINDINGS OF FACT: The named officer acknowledged entering a residence but explained that the entry was made in response to a direct order by his commanding officer. The commanding officer acknowledged making the order. The evidence proved that the acts which provided the basis of the allegations occurred, however, such acts were justified, legal and proper.

SUMMARY OF ALLEGATION #17: The officer unlawfully ordered the entry of a residence.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that officers saw drugs in plain view during a legal protective sweep of the residence, and then froze the room while attempting to obtain a search warrant. The judge consulted by the officers denied the search warrant. The named officer argued that contraband that had been seen during a legitimate investigation and could not be left in a residence. Case law indicates that the initial entry was improper, and states that even if the entry was proper, when the officers left the room after the protective sweep, there was no legal authority to re-enter the room to seize the drugs. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The detention began when the officers turned on their front grill flashing red lights. The officers in plain clothes and occupants of an unmarked vehicle were prohibited from making a traffic stop under these circumstances and lacked sufficient reasonable suspicion to detain the complainant otherwise. Therefore the officers' detention of the complainant was a violation of his rights.

SUMMARY OF ALLEGATIONS #5 - 8: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: Provided the lack of reasonable suspicion to stop the complainant a dispositive finding cannot be reached as to the arrest.

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SUMMARY OF ALLEGATION #9: The officer searched the complainant without cause.

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

FINDINGS OF FACT: Provided the lack of reasonable suspicion to stop the complainant a dispositive finding cannot be reached as to the search.

SUMMARY OF ALLEGATION #10: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: Provided the lack of reasonable suspicion to stop the complainant a dispositive finding cannot be reached as to the vehicle search.

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SUMMARY OF ALLEGATION #11: The officer made inappropriate comments.

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

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

SUMMARY OF ALLEGATIONS #12 – 15: The officers' actions were based on selective enforcement.

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

FINDINGS OF FACT: The officers denied the allegation. All officers denied that any one officer was in charge of the incident. Because the officers each took responsibility for the incident a dispositive finding cannot be reached as to any one of them.

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OCC ADDED ALLEGATIONS

SUMMARY OF ALLEGATIONS #1 – 4: The officers failed to log the incident in violation of department procedure.

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

FINDINGS OF FACT: The officers all stated that no entry was made into the Traffic Stop Data Collection Program log because the incident did not involve a traffic stop but a 917, i.e. suspicious person, which does not require an entry. The evidence contradict the officers statements. The officers first took notice of the complainant as he drove by them in his car. At which time the officers allegedly observed suspicious behavior by the complainant, i.e. 916. The officers subsequently stopped the complainant after having observed him commit a moving violation, i.e. 585. By a preponderance of the evidence the incident involved either a 916 or a 585 each of which requires an entry into the data collection log.

SUMMARY OF ALLEGATIONS #5- 8: The officers initiated a traffic stop in violation of department orders.

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

FINDINGS OF FACT: The officers, all wearing plain clothes and occupants of an unmarked vehicle stopped the complainant, after having on-viewed him commit a moving violation. The stop was initiated by the igniting of the unmarked vehicles flashing front grill lights. The officers argument that the detention was not based on the traffic violation but based on a 917 is not supported by the evidence. The only reasonable suspicion the officers had to stop the complainant was the moving violations. Department General Order prohibits plainclothes officers from initiating traffic stops, issuing traffic citations or making minor traffic arrests except under certain circumstances, e.g., life-threatening, exigencies, which clearly did not exist here. Therefore, when the non-uniformed officers proceeded to do so, they violated said orders.

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer has been harassing her during the last four years in court. The officer denied the allegation. Four witnesses stated that these women are adversaries in court and do their jobs, but the witnesses have not personally witnessed inappropriate behavior on the part of the officer. One witness stated that the officer had accused the complainant of taking things, lying, and unethical solicitation of clients. The other witnesses did not respond for an interview. There is insufficient evidence to prove or disprove the allegation

SUMMARY OF ALLEGATION #2: The officer made a derogatory comment toward the complainant.

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

FINDINGS OF FACT: The complainant stated the officer made a derogatory comment directed at her. The officer denied the allegation. The witnesses did not witness this during court sessions. Other witnesses did not respond. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said she was smoking marijuana, that she blew the smoke in the officer's face, and that the officer told her she was under arrest. The officers stated that the complainant was initially detained for a suspected narcotic transaction, that she ingested contraband during the detention and that she resisted attempts to place her into custody. The complainant admitted that she was resisting. The witness did not respond for an interview. The officer had probable cause to arrest the complainant.

SUMMARY OF ALLEGATION #3-4: The officers used excessive force.

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

FINDINGS OF FACT: The complainant said the officers were trying to choke her and one officer pulled her arm very hard and placed his knee on her elbow. The complainant admitted to resisting. The officers denied the allegation and stated the complainant was resisting and they used necessary force to control her. The witness did not respond for an interview. There is insufficient evidence to establish the level of force necessary to arrest the complainant.

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SUMMARY OF ALLEGATION #5: The officer has harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that this is her third incident with the officer and she feels it is harassment. The officer stated all his contacts with the complainant have been narcotics-related and denied harassing her. 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 ALLEGATION #1: The officer gave an inaccurate testimony.

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

FINDINGS OF FACT: The complainant stated the officer was not truthful under oath, at the preliminary examination. The officer admitted the allegation, stating he did not intentionally misrepresent the truth during his testimony. The officer stated he failed to review the incident report to refresh his memory of the facts of the case. The officer acknowledged that he confused the arrest with another arrest with similar facts of evidence. A preponderance of the evidence proved that conduct complained of did occur, and that, using as a standard the applicable regulations of the Department the conduct was improper.

SUMMARY OF ALLEGATION #2: The officer wrote an inaccurate Incident Report.

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

FINDINGS OF FACT: The officer denied the allegation, stating his Incident Report was accurate and complete to the best of his knowledge. The witness officer corroborated the officer's account that the Incident Report was completely accurate. The witness officer admitted that he was responsible for making inaccurate statements during his testimony. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #1-2: The officers failed to follow proper procedures as detailed in DGO 6.13.

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

FINDINGS OF FACT: The complainant stated the officers failed to prepare the report as a hate crime. The officer admitted that she failed to mark the "Prejudiced-Based" box and failed to include the hate crime as the secondary incident code on the report. The officer acknowledged she determined the crime to fall under a prejudiced-based incident. The officer stated she unintentionally failed to code the hate crime incident properly.

The sergeant stated he reviewed the incident report and failed to correct the omissions in the incident report in relation to the hate crime. 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 #3-4: The officers failed to follow proper procedures as detailed in DGO 6.13.

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

FINDINGS OF FACT: The officers denied the allegation, stating they assisted the reporting officer in gathering information and evidence for the investigation. The inspector responded to the scene to follow-up on the investigation. The inspector said he notified the Hate Crime Unit and they did not take the case. The OCC investigation determined the reporting officer to have primary responsibility in following proper procedures as outlined in DGO 6.13. The evidence proved that the named member was not involved in the acts alleged

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SUMMARY OF ALLEGATION #5-6: The officers failed to protect the confidentiality of the victims.

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

FINDINGS OF FACT: The complainant stated the officers carelessly exposed her and her female partner's identity during a cold show and at the police station. The officers denied the allegation, stating the victims agreed to a cold show and signed the cold show admonitions. The officer who drove stated she took precautionary measures to protect the complainant. The driving officer said she activated her overhead emergency light and alley spotlights to create a blinding effect towards the patrol car. She even coordinated a route to proceed down the hill to allow the victims an angle of advantage, and backed up the hill to further protect the victim's identity. The witness officer stated he assisted the officers in arranging the cold show and the victims agreed to participate.

Once at the police station, the victims were placed in a female holding area. An unidentified officer inadvertently brought a male suspect into the same area. The officers immediately took action to remove the male suspect. The complainant and her partner signed the cold show admonitions. The officer completed the admonitions properly. 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 failed to protect the confidentiality of the victims.

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

FINDINGS OF FACT: The complainant stated the officers carelessly exposed her and her female partner's identity during a cold show and at the police station. The inspector denied the allegation, stating he assisted only with arranging the cold show of the suspects with the victims. The inspector said he did not transport any of the victims to the field show location and he was not present during the cold show. The inspector said the victims knowingly agreed to participate in the cold show to identify the suspects. The evidence proved that the named member was not involved in the acts alleged.

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SUMMARY OF ALLEGATION #1: The officer practiced selective enforcement.

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

FINDINGS OF FACT: The complainant said the officer practices selective enforcement because he discriminates against people who are not his race. The officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer has told the complainant not to sleep in the park and to go back to his country. He stated that the officer laughs at the complainant when he speaks Spanish, and makes fun of him when he speaks English. The officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer handcuffed the complainant too tightly despite him telling the officer not to because he had prior 3rd and 2nd degree burns on his wrists. The complainant stated the officer pushed him into the van after the complainant had told the officer that he had a back condition. The officer denied the allegation. The witness officer also denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officers stopped him for failing to activate his turn signal, which he denies. The officers stated the complainant failed to use a turn signal when making a turn. There were no witnesses. There is insufficient evidence to prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant said the officer searched him and went into his pockets. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5: The officer searched the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant said he was asked for proof of insurance and he told the officer that it was in his glove compartment. The complainant stated the officer searched his vehicle looking for the registration and insurance, which he found. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6: The officer used excessive force against the complainant.

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

FINDINGS OF FACT: The complainant stated the officer grabbed his hands in a hand lock placing them behind his back. The complainant said the officer had him in a finger lock holding his two fingers together with pressure. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated the officers conduct during the traffic stop constituted harassment. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #8-10: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated that he was racially profiled based on his race and attire. He believed that if he were dressed in a suit the officers would have treated him differently. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was cited for not using his turn signal, which he said, was not true but signed the citation because he did not want to get into an argument. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

OCC Added Allegation

SUMMARY OF ALLEGATION #1-3: The officers failed to take required action.

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

FINDINGS OF FACT: The San Francisco Police Department Event History for this case did not show an entry for E585. The officers stated that there was no E585 because the call was broadcasted as a suspicious vehicle. However, when asked the reason for the stop the officers responded it was for failure to make a turn signal which is a violation of CVC 22108. Department Bulletin 01-37 Directs officers to collect traffic stop data on all civilians stopped for all traffic law enforcement purposes, regardless of whether or not a citation is issued or other official action is taken. Department Bulletin 05-033 Additional Traffic Stop Data Collection Program Information "Reminder" is a reminder.

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SUMMARY OF ALLEGATION #1 & 2: The officers detained individuals without justification.

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

FINDINGS OF FACT: The complainant stated that two plainclothes officers stopped the car he was driving and detained him and his nephew without justification. The officers stated that they observed the complainant driving in a reckless and dangerous manner that necessitated a traffic stop, despite the fact that they were in plainclothes driving an unmarked car. The complainant and his nephew denied that he violated any traffic laws. The complainant's nephew, who is developmentally disabled, stated that a written statement he provided to police was not completely accurate because he was intimidated by the presence of one of the officers in the small room where he was taken to write the statement and he feared writing anything negative about the officers. Department records and other evidence established that the officers inaccurately reported the nature of the traffic stop to Communications and intentionally failed to summon a marked unit to the scene, and that their descriptions of one of the complainant's traffic violations differed in a significant way. No other witnesses to the complainant's activities immediately prior to the traffic stop were identified. There is insufficient evidence to prove or disprove whether or not the traffic stop was justified.

SUMMARY OF ALLEGATION # 3 & 4: The officers arrested an individual without cause.

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

FINDINGS OF FACT: The complainant stated that two plainclothes officers stopped the car he was driving and detained him and his nephew, who is developmentally disabled. One of the officers ordered the complainant out of the car, and when the complainant said that he would first say goodbye to his wife, who he was talking to on a cellular phone, the officer grabbed and pulled him from the car. The complainant was arrested and charged with assaulting an officer and attempting to take the officer's gun. The complainant denied assaulting the officer or attempting to grab his gun. The officers stated that they observed the complainant driving in a reckless and dangerous manner that necessitated a traffic stop despite the fact that they were in plainclothes driving an unmarked car. The officers stated that one of them asked the complainant to exit the car in order to conduct a probation search. This officer told the complainant to put down his cell phone so he could conduct a pat search for

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weapons, but the complainant failed to do so and stood with his back to the officer. When this officer blocked the complainant's arm to turn him around, the complainant turned abruptly and struck the officer in the face with his elbow. The officers stated that the complainant struggled with them and successfully resisted their attempts to subdue him, and that during this struggle the complainant tried to take one of the officer's guns. The officers stated that they arrested the complainant for assaulting them, resisting and attempting to steal the officer's firearm. Department records and other evidence established that the officers inaccurately reported the nature of the traffic stop to Communications and intentionally failed to summon a marked unit to the scene. The complainant's nephew stated that the complainant was talking to his wife on a cellular phone when the officer asked him to exit the car, and the complainant asked if he could say goodbye to his wife. The officers then grabbed the complainant and pulled him from the car. The complainant's nephew stated that he was nervous and scared, and was hesitant to look at his uncle getting roughed up, although he did watch what occurred. The complainant's nephew said he heard one of the officers say that the complainant was reaching for his gun, and then saw one of the officers strike the complainant in the eye with his fist multiple times while the complainant was bent over with his hands raised up behind his back. The complainant's nephew was then ordered from the car at gunpoint, handcuffed and placed on the ground, and was then transported to the police station where he was held handcuffed to a bench for an hour. A written statement prepared by the complainant's nephew at the police station states that the complainant exited the car while still talking to his wife and that one of the officers told the complainant to hang up. When the complainant asked to say goodbye to his wife first, the officers grabbed the complainant and they started wrestling. The statement says that the complainant's nephew did not want to watch what was taking place, and that the next thing he knew, the complainant was handcuffed on the ground with an injured eye. The complainant's nephew told OCC that his written statement was not completely accurate because he was nervous and fearful and felt intimidated by the presence of one of the officers in the small room where he was taken to write the statement, and feared writing anything negative about the officers. The complainant and his nephew denied that he violated any traffic laws. No other witnesses to the alleged traffic violations or to the altercation between the complainant and the officers were identified. There is insufficient evidence to determine whether the complainant committed the traffic violations, to determine who initiated the physical struggle, to determine whether the complainant resisted in the manner the officers described, or whether he attempted to grab an officer's firearm. Therefore, there is insufficient evidence to prove or disprove whether the complainant's arrest was justified.

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SUMMARY OF ALLEGATION # 5 & 6: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that two plainclothes officers stopped the car he was driving and detained him and his nephew, who is developmentally disabled. One of the officers ordered the complainant out of the car, and when the complainant said that he would first say goodbye to his wife, who he was talking to on a cellular phone, the officer grabbed and pulled him from the car. The second officer grabbed the complainant from behind, and the first officer punched the complainant in the face. The second officer took the complainant to the ground, where the first officer punched him in the face several more times. The complainant denied resisting and said his only physical actions were bringing his hands up to protect his face after he was struck there. The complainant was arrested and charged with assaulting an officer and attempting to take the officer's gun. The complainant denied assaulting the officer or attempting to grab his gun. Photographs taken of the complainant immediately after this incident depict his left eye swollen completely shut and bruised. The complainant's medical records document a swollen and bruised eye. The officers stated that they observed the complainant driving in a reckless and dangerous manner that necessitated a traffic stop despite the fact that they were in plainclothes driving an unmarked car. The officers stated that one of them asked the complainant to exit the car in order to conduct a probation search. This officer told the complainant to put down his cell phone in order so he could conduct a pat search for weapons, but the complainant failed to do so and stood with his back to the officer. When this officer blocked the complainant's arm to turn him around, the complainant turned around abruptly and struck the officer in the face with his elbow. The officers stated that the complainant struggled with them and successfully resisted their attempts to subdue him, and that during this struggle the complainant tried to take one of the officer's guns. The officers stated that the officer who initially contacted the complainant struck the complainant in the face when the complainant attempted to grab his gun. The second officer denied intentionally striking the complainant. Department records and other evidence established that the officers inaccurately reported the nature of the traffic stop to Communications and intentionally failed to summon a marked unit to the scene. The complainant's nephew stated that the complainant was talking to his wife on a cellular phone when the officer asked him to exit the car, and the complainant asked if he could say goodbye to his wife. The officers then grabbed the complainant and pulled him from the car. The complainant's nephew stated that he was nervous and scared, and was hesitant to look at his uncle getting roughed up, although he did

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watch what occurred. The complainant's nephew said he heard one of the officers say that the complainant was reaching for his gun, and then saw one of the officers strike the complainant in the eye with his fist multiple times while the complainant was bent over with his hands raised up behind his back. The complainant's nephew was then ordered from the car at gunpoint, handcuffed and placed on the ground, and was then transported to the police station where he was held handcuffed to a bench for an hour. A written statement prepared by the complainant's nephew at the police station states that the complainant exited the car while still talking to his wife and that one of the officers told the complainant hang up. When the complainant asked to say goodbye to his wife first, the officers grabbed the complainant and they started wrestling. The statement says that the complainant's nephew did not want to watch what was taking place, and that the next thing he knew, the complainant was handcuffed on the ground with an injured eye. The complainant's nephew told OCC that his written statement was not completely accurate because he was nervous and fearful and felt intimidated by the presence of one of the officers in the small room where he was taken to write the statement, and feared writing anything negative about the officers. The complainant and his nephew denied that he violated any traffic laws. No other witnesses to the altercation between the complainant and the officers were identified. There is insufficient evidence to determine who initiated the physical struggle, to determine whether the complainant resisted in the manner the officers described, or whether he attempted to grab an officer's firearm. Therefore, there is insufficient evidence to prove or disprove whether the officers used all of the physical force described by the complainant or to prove or disprove whether the force the officers admitted using, including the strikes to the complainant's face, was appropriate.

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SUMMARY OF ALLEGATION # 7 & 8: The officers made rude comments.

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

FINDINGS OF FACT: The complainant stated that at various points during his arrest and transport, both of the arresting officers made rude comments to him. The named officers denied making the rude comments described by the complainant. The complainant's nephew stated that as he was lying handcuffed on the ground following the complainant's arrest, he heard one of the arresting officers make one of the rude comments the complainant described. The complainant's nephew admitted that his written statement to police was not entirely accurate because he was nervous and fearful at the police station, where he had been held, handcuffed to a railing, for over an hour, and felt intimidated by the presence of one of the officers in the small room he had been taken to and feared writing anything negative about the officers. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that while he was being transported by the arresting officers from San Francisco General Hospital to the county jail, one of the officers made multiple racially derogatory comments. The two arresting officers denied that any racially derogatory comments were made. The complainant's nephew stated that as he was lying handcuffed on the ground following the complainant's arrest, he heard one of the arresting officers make a racially derogatory comment at the scene that included an unusual phrase very similar to the one the complainant described the officer using. The complainant's nephew admitted that his written statement to police was not entirely accurate because he was nervous and fearful at the police station, where he had been held, handcuffed to a railing, for over an hour, and felt intimidated by the presence of one of the officers in the small room where he had been taken to write the statement, and feared writing anything negative about the officers. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 10: The officer drew and pointed his firearm without justification.

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

FINDINGS OF FACT: The complainant stated that after he was handcuffed, one of the officers pointed his firearm at the complainant's nephew, who was seated in the passenger seat of the vehicle. The complainant's nephew stated that the taller of the two officers, who had initially approached his side of the car and requested his identification, pointed his firearm at him and ordered him from the car. The two arresting officers stated that after they subdued and handcuffed the complainant, the shorter officer drew his firearm and ordered the complainant's nephew from the car. The officers stated that this was done after the complainant lied about his probation status and violently resisted the officers, including attempting to grab one officer's gun from its holster. The officer who said he pointed his firearm at the nephew said he did so because he suspected, based on the complainant's reckless driving and by his behavior during the detention, that there might be weapons or contraband in the vehicle. Two subsequent searches of the vehicle revealed no contraband or weapons. No other witnesses to the alleged traffic violations or to the altercation between the complainant and the officers were identified. There is insufficient evidence to definitively determine which officer pointed his firearm at the complainant's nephew, or whether the drawing and pointing of the firearm was justified under the circumstances.

SUMMARY OF ALLEGATION #11: The officer made a threatening comment.

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

FINDINGS OF FACT: The complainant stated that after he was handcuffed, one of the officers threatened the complainant's nephew, who was seated in the passenger seat of the vehicle, at gunpoint. The complainant's nephew stated that the taller of the two officers, who had initially approached his side of the car and requested his identification, pointed his firearm at him and threatened to shoot him if he did not exit the car. The two arresting officers stated that after they subdued and handcuffed the complainant, the shorter officer drew his firearm and ordered the complainant's nephew from the car. Both officers denied that any threat was made to shoot the complainant's nephew. There is insufficient evidence to definitively determine which officer pointed his firearm at the complainant's nephew and ordered him from the car, or whether this officer threatened the complainant's nephew.

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SUMMARY OF OCC ADDED ALLEGATION #1 & 2: The officers failed to comply with Department rules concerning traffic enforcement.

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

FINDINGS OF FACT: Department records established that the officers, who were not in uniform and who were driving an unmarked vehicle conducted a traffic stop but failed to immediately summon a marked vehicle, and inaccurately reported the nature of the traffic stop to Communications.

SUMMARY OF OCC ADDED ALLEGATION # 3: The officer detained and handcuffed the complainant's nephew for an excessive period and had the complainant's nephew transported to the police station without justification.

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

FINDINGS OF FACT: Department records and the statements of the complainant's nephew and the named officer established that the complainant's nephew was detained and handcuffed immediately after the complainant was handcuffed, and that he was detained in handcuffs and transported to the police station, where he was handcuffed to a railing for over an hour. Department records established that several minutes after the complainant's nephew was initially handcuffed, the officers determined that he had no wants or warrants or a criminal record. The evidence established that the officer lacked a reasonable suspicion, based on the behavior of the complainant's nephew, that he was involved in criminal activity that would have justified this prolonged detention, handcuffing and transport to the police station.

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SUMMARY OF ALLEGATION # 4: The officer ran a criminal history / wants and warrants check without cause.

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

FINDINGS OF FACT: Department records established that the officer ran wants and warrants and criminal history checks on the complainant's nephew after this individual's detention should have ended, and ran a similar search the following day after the complainant's nephew had been released. The named officer stated that the San Francisco District Attorney's office requires officers in his unit to run criminal history checks on all individuals, including witnesses and victims, whose names appear in incident reports their unit generates. The deputy district attorney who supervises liaison with the named officer's unit confirmed this policy. The evidence proved that the named officer's action was justified by Departmental procedure; however, the OCC will evaluate this particular procedure to determine whether it is appropriate.

SUMMARY OF ALLEGATION # 5 & 6: The officers failed to provide prompt medical treatment.

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

FINDINGS OF FACT: The evidence established that while the arresting officers were subduing the complainant, the complainant struck his face and head on the ground and was struck repeatedly in the face by one of the officers. The evidence established that the complainant appeared to be unconscious, a condition which requires prompt medical attention, but that the named officers waited ten minutes before summoning an ambulance. The evidence established that during that ten minute period, the officers searched the complainant's vehicle, and at one point were asked by Communications whether they needed anything other than a transport unit dispatched to their location responded negatively. The evidence established that the officers delay in requesting an ambulance constituted a failure to provide prompt medical treatment.

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: 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 for no reason. The officers stated that the complainant was arrested after one of the officers interviewed the witnesses and determined that the complainant committed a serious felony. The incident report included statements from the witnesses. Given the circumstances of this incident, the officers had probable cause to arrest the complainant.

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

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

FINDINGS OF FACT: The complainant stated the officer handcuffed him tightly. The officer denied the allegation. The medical records indicated that the complainant complained of wrist pain due to handcuffing and an exam showed redness. The records also indicated that the complainant was screaming and spitting and having a manic episode. Some witnesses did not see the handcuffing process. One witness did not respond for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said he asked for the handcuffs to be loosened but were not. The officer did not recall. The officer's partner witnessed when the officer checked the complainant's handcuffs for tightness and then locked them. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 5: The officer used unnecessary force against the complainant at the hospital.

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

FINDINGS OF FACT: The complainant stated that an officer twisted his thumb and that he thought his finger was dislocated. The two officers who responded to the hospital denied the allegation. The medical records do not document a complaint by the complainant regarding his thumb. The records document wrist pain due to the handcuffs. The records also document that the complainant was screaming and spitting at the officers and was having a manic episode. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he filed a hit and run report with the officer. When the complainant requested a copy of the report from the department, the report could not be found. The officer said she prepared the report by hand. The officer could not explain why a copy of her report could not be found. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he responded to a dispatched call of a physical altercation involving the complainant and a security guard. The officer said the complainant displayed objective symptoms of alcohol intoxication, and was aggressive and agitated. The witness officer corroborated the officer's account of the incident and the complainant's demeanor. The officers were consistent in stating the complainant was unable to care for his own safety.

The witness stated San Francisco Police Department was summoned for assistance with the complainant, due to the complainant's aggressive and belligerent behavior. The witness corroborated the complainant was very intoxicated and verbally aggressive towards security and police officers. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer denied the allegation, stating he acted in a professional manner that the public expects of him while performing his duties as a police officer. The witness officers were consistent in stating the complainant was irate and aggressive. The witness said the officers were absolutely professional and behaved in an appropriate manner with the situation at hand.

It should be noted that San Francisco Police Department patrol wagons are not equipped with seat belts for the safety of in-custody subjects. Therefore, the officer could not secure the complainant within the patrol wagon. 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 #3: The officer failed to provide required information.

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

FINDINGS OF FACT: The officer denied the allegation, stating he attempted several times to investigate the complainant's side of the story, but the complainant was uncooperative. The officer stated the complainant refused to answer any of his questions in the investigation and hindered his attempts to a full investigation.

A witness officer said the complainant displayed hostility towards the security guards and the officers at the scene. Another witness officer said the complainant was unable to follow simple instructions.

The witness said the named officer attempted to gather information from the complainant, but was unsuccessful. The witness stated the complainant was heavily intoxicated and could not understand any reasonable communication.

A 647(f)PC detention is based on the officer's objective symptoms coupled with the inability to care for one self. An incident report is not required, therefore statements are not necessary for a drunk in public detention. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

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SUMMARY OF ALLEGATION #1-2: The officers used excessive force at the scene.

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

FINDINGS OF FACT: The complainant stated officers assaulted him and knocked him unconscious. The officers stated the complainant was resisting and that they used necessary force to take him into custody. The reportee/witness stated he did not see the officers use excessive force and said that the officers at no time abused or mistreated the complainant. Medical records indicate a minor injury, but do not indicate that the complainant lost consciousness. There is insufficient evidence to establish the level of force necessary to subdue the complainant.

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

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

FINDINGS OF FACT: The complainant stated he was not trespassing because he is the owner of the property where he was arrested. The officer is no longer with the department.

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

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

FINDINGS OF FACT: The complainant believed that he owned this parking lot and therefore believed his vehicle should not have been towed. The officers stated the vehicle was towed pursuant to the complainant's arrest. The witness said he signed a citizen arrest for the complainant for trespassing. The officers had the authority to tow the vehicle.

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

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

FINDINGS OF FACT: The complainant said he was detained for no reason. The officer is no longer with the department.

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

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

FINDINGS OF FACT: The officer stated that, when the complainant refused to comply with orders to stay inside a stolen vehicle, he pushed the complainant onto the passenger seat to gain control of the complainant. The officer denied choking the complainant. The officer stated he was subsequently informed that the complainant had a slight injury to his mouth. Witness Officer #1 stated he saw the officer push the complainant back into the vehicle; he did not see the officer choke the complainant. This officer further stated the complainant did not have any visible injuries. Witness Officers #2 and #3 stated they did not see the complainant use any force but did see that the complainant had a slightly cut lip. Witness Officer #4 stated he was busy with the rear passenger and did not see the officer use any force and did not recall seeing any injuries on the complainant.

There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The named officer and one witness officer denied the allegation. One witness offered by the complainant stated he was not present during the physical contact. Two witness officers said they did not see the contact. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the named officer had no authority to order her out of her car during a dispute between her and a tow operator. The officer stated that he was keeping the peace and preventing a public safety hazard when he asked the complainant to exit her car. Department regulations and criminal laws allow officers to keep the peace during civil disputes among private individuals. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 06/08/06 **DATE OF COMPLETION:** 11/30/06 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #3, 4: The officers failed to properly investigate an incident.

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

FINDINGS OF FACT: The complainant, who admitted her car was improperly parked, stated that the named officers failed to investigate an improper tow by a private party, on private property. The named officers said they believed the tow was proper, given the presence of signs restricting parking where the car was located. No other witnesses came forward. Criminal law and Department regulations indicate that the named officers had no responsibility to determine the legitimacy of the private-party tow. The evidence proved that the acts that provided the basis of the allegations occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officers failed to enforce a law requiring child seats. One witness stated that the driver mentioned by the complainant was violating a regulation by a private company. The named and one witness officer stated they had seen no violation of law by the driver. Two other officers said they had not seen the violation. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The officer denied this allegation and denied telling the complainant to “shut up” and denied telling the complainant, “Be quiet. We’re not going anywhere.” The officer further denied telling the complainant, “What was that snide remark?” The officer stated he told the complainant to allow the victim to speak for himself.

The officer’s partner stated he did not hear the conversation between the officer and the complainant. This officer further stated the complainant seemed upset with the officer so he tried to calm down the complainant. This officer stated that his partner informed him that the complainant tried to interrupt the victim’s interview and the officer tried to keep the complainant from doing so.

There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/29/06 **DATE OF COMPLETION:** 11/30/06 **PAGE#** 1 of 1

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

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

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

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

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

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

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DATE OF COMPLAINT: 07/10/06 **DATE OF COMPLETION:** 11/30/06 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The officers detained the complainant pursuant to a valid search warrant. Their actions were proper.

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

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

FINDINGS OF FACT: The officer detained the complainant's wife pursuant to a valid search warrant. The action was proper.

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SUMMARY OF ALLEGATIONS #6-12: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The officers searched the complainant's residence pursuant to a valid search warrant. Their actions were proper.

SUMMARY OF ALLEGATIONS #13-16: The officers searched the complainant's vehicles without cause.

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

FINDINGS OF FACT: The officers stated they searched the complainant's vehicles after being informed that a valid search warrant had been obtained. The officers were not shown the search warrant. The officers relied on the information provided by the officers directing the search operation. Their actions were proper.

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SUMMARY OF ALLEGATION #17: The officers behaved inappropriately.

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

FINDINGS OF FACT: The officers denied behaving in an inappropriate manner. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #18: The officer searched the complainant's vehicles without cause.

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

FINDINGS OF FACT: The search warrant prepared by the officer and signed by a Judge of the Superior Court authorized the search of one of the complainant's vehicles. The officer acknowledged that he directed the search of four of the complainant's vehicles, in violation of the search warrant. This allegation was sustained.

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SUMMARY OF ALLEGATION #19: The officer strip-searched the complainant without cause.

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

FINDINGS OF FACT: The officer stated he strip-searched the complainant without obtaining written authorization from a superior officer, as required by Penal Code §4030(f.) The allegation was sustained.

OCC ADDED ALLEGATIONS:

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to properly file an executed search warrant with the Court.

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

FINDINGS OF FACT: The officer stated his superior officer ordered him to file the Return to the Search Warrant with the court because the officer who prepared the Search warrant was unable to do so. The officer stated he had no involvement with the preparation or execution of the Search Warrant.

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SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to properly prepare and file a search warrant.

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

FINDINGS OF FACT: The officer stated he prepared and executed the search warrant. The officer acknowledged that the Return to the Search Warrant needed to be filed with the Court within ten days following the warrant's execution. The officer stated that he was in training and was unable to file the Return to the Search Warrant within ten days of its execution. Department Records show that the officer was not in training in the ten days after the warrant's execution. The officer had the opportunity to 1) file the Return to the Search Warrant himself; or 2) or have another officer do so, in a timely manner. The allegation was sustained.

SUMMARY OF OCC ADDED ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/14/06 **DATE OF COMPLETION:** 11/13/06 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer took the side of the person she complained against. The officer denied the allegation. No other officers were present during the interaction. There were no other available witnesses. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation of inappropriate behavior, but admitted to making a comment similar to that alleged by the complainant. There were no witnesses. The officer's comment did not rise to the level of misconduct.

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

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

FINDINGS OF FACT: The officer said he did not take a report because there was no evidence that a crime had occurred. The complainant did not provide evidence that a crime had occurred.

SUMMARY OF ALLEGATION #4: The officer failed to take an OCC Complaint.

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

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

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DATE OF COMPLAINT: 07/24/06 **DATE OF COMPLETION:** 11/15/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Numerous attempts were made to contact the complainant, with negative results. The complainant's juvenile probation officer stated he advised the complainant to contact Office of Citizen Complaints if he wanted to pursue the complaint. The complainant failed to contact Office of Citizen Complaints to provide additional requested evidence.

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

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

FINDINGS OF FACT: Numerous attempts were made to contact the complainant, with negative results. The complainant's juvenile probation officer stated he advised the complainant to contact Office of Citizen Complaints if he wanted to pursue the complaint. The complainant failed to contact Office of Citizen Complaints to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/06 **DATE OF COMPLETION:** 11/13/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer issued him a citation for making an illegal left turn. The complainant admitted that he made the left turn. The complainant also stated that upon further investigation, he noted there were two clearly posted no left turn signs at the intersection where the complainant completed the left turn for which he was cited. The officer stated he cited the complainant for making an illegal left turn against a posted regulation. The evidence proved that the act alleged in the complaint did occur, however the officer acted appropriately and lawfully when he issued a citation to the complainant for making an illegal left turn against a posted regulation.

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

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

FINDINGS OF FACT: The complainant stated he asked the officer why he did not cite a van that was blocking the intersection. The complainant stated the officer responded that he did not want to walk that far. In his Member Response Form, the officer stated he did not observe the van. The officer also stated he may have possibly made the comment. The officer stated he would have been justified in making the alleged comment because to cite the unseen van, he would have had to go around three corners on one way streets to contact the van and this would have obstructed him from issuing the citation to the complainant in a proper and timely manner. There were no identified witnesses to the contact between the officer and the complainant. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/03/06 **DATE OF COMPLETION:** 11/30/06 **PAGE# 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/25/06 **DATE OF COMPLETION:** 11/30/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant acknowledged violating the law under which he received a citation. The evidence proved that the acts that provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The comments objected to by the complainant were explanatory in nature and accurately reflected the situation as described by both the complainant and the officer. The evidence proved that the acts that provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 08/17/06 **DATE OF COMPLETION:** 11/16/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer 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 11/1/06.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 08/18/06 **DATE OF COMPLETION:** 11/21/06 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-4: The officer used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant and his guardian failed to respond to contact attempts. Medical records could not be obtained without their consent. There was no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 08/24/06 **DATE OF COMPLETION:** 11/30/06 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer denied the allegation and stated the complainant was angry and agitated when he initially made contact with her. One witness officer stated he heard the raised voices of the officer and the complainant but could not hear what was said. This witness stated he later saw and heard the officer tell the complainant to leave and return when she calmed down. A second witness officer stated he heard the raised voices of the complainant and the officer. This witness spoke to the complainant and stated that she was very agitated and upset over an incorrect accident report. A third witness officer stated she heard the officer's voice raised, saying something about a pen. This witness saw the complainant sitting in a chair but did not recall hearing or seeing any other contact between the complainant and the officer. There were no other available witnesses. There was no additional evidence to further prove or disprove this allegation.

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

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

FINDINGS OF FACT: The officer stated the complainant was screaming and holding her pen in an "ice pick-type grip" within two feet of the officer. He stated he unsuccessfully attempted to remove the pen from her hand and sustained a pen mark on his thumb. One witness officer stated the complainant told him that the officer swung at her when he attempted to grab a pen from her hand. There were no witnesses to the physical contact between the complainant and the officer. Photos taken by the SFPD Photo Lab immediately after this incident showed no visible injuries to the complainant's hand. The complainant stated she did not seek medical assistance. There was no additional evidence to further prove or disprove this allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/05/06 **DATE OF COMPLETION:** 11/06/06 **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 stated that he cited the complainant after he observed her failing to stop at a stop sign, for not having a driver's license in her possession and for having an expired registration. The complainant acknowledged that she did not have her driver's license in her possession and also acknowledged that her registration was expired. The complainant further stated that she might have made a "Hollywood stop" at the stop sign. The officer's partner stated he witnessed the complainant run the stop sign. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant stated that, during the traffic stop, the officer asked her why she didn't have her driver's license with her, whether she was a convicted felon and whether she had weapons or drugs in her vehicle. The officer told her that she could be handcuffed and arrested if she could not identify herself. The complainant stated she worked in law enforcement and should not have been asked these questions. The complainant stated she was not in possession of her driver's license or other identification and did not have a current registration. The officer stated because the complainant did not have her driver's license with her, he had no way of knowing whether the vehicle was stolen or if she was a wanted fugitive or had violent tendencies. For his and his partner's safety, he asked the complainant if she had any weapons or drugs in the car and if she had ever been arrested. The officer stated if he could not satisfactorily identify the complainant, he would have no choice but to handcuff her and transport her to the station for identification, per California Vehicle Code §40302(A.) The complainant believed that, because she worked in law enforcement, she should have been treated differently. The officer's conduct was proper.

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DATE OF COMPLAINT: 09/11/06 **DATE OF COMPLETION:** 11/15/06 **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 complainant, an airline employee, stated that he parked his car in a white zone at the airport. The complainant acknowledged that doing so was a traffic violation but stated he needed to quickly return to his locker. The complainant's girlfriend stated she stayed in the vehicle. She stated the officer gave her an opportunity to move the vehicle but she could not drive a manual transmission. The officer stated he told the complainant's to move the car but she was unable to drive it. The officer stated he told the passenger that being employees did not give them permission to disobey the posted signs stating, "No Waiting, No Parking." The officer's action was proper.

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

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

FINDINGS OF FACT: The complainant's girlfriend stated the officer "wasn't very polite" and told her he didn't care that she was an airline employee. The officer denied this allegation. There were no available witnesses. There was no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 09/18/06 **DATE OF COMPLETION:** 11/21/06 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officers grabbed and twisted his wrists while being handcuffed. The complainant stated he was not resisting the officers during the incident. The officers stated they did not use any unnecessary force upon the complainant. The officers stated they gripped the complainant's wrists and arms in order to handcuff him. A witness stated he was not present during the entire incident and another witness has not provided a response to date. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was cooperative and not aggressive toward the officers at the scene. The officers stated the complainant was not cooperative, disobeyed verbal orders, was aggressive, resisted and delayed the investigation. A witness stated he was not present during the entire incident and another witness has not provided a response to date. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer issued a citation without cause against the complainant.

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

FINDINGS OF FACT: The complainant stated he was not disruptive and did not delay the officers' investigation at the scene. The complainant stated the officer should not have cited him. The officer stated the complainant told him he was consuming an alcoholic beverage in public. The officer stated the complainant was angry, upset, disobeyed lawful verbal orders, and aggressive. A witness stated he was not present during the entire incident and another witness has not provided a response to date. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-7: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officers should not have detained him. The complainant stated he was minding his own business. The complainant admitted he was drinking an open container of non-alcohol beverage wrapped in a brown paper bag. The officers stated they saw the complainant consuming what appeared to be alcohol in a can wrapped in a paper bag. The officers stated the complainant told them he was consuming alcohol in public. The officers further stated the complainant was upset, angry, and was not cooperative. A witness stated he was not present during the entire incident and another witness has not provided a response to date. There is insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/06 **DATE OF COMPLETION:** 11/06/06 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated the officer conducted a traffic citation stop for her alleged failure to yield to a pedestrian (decoy officer) in the crosswalk, in violation of California Vehicle Code §29501(a). However, the complainant noted there was no pedestrian in the crosswalk, so she should not have been detained or cited. The officer denied the allegation stating that, while he had no knowledge of this particular incident, in that the complainant chose to be anonymous, he would never detain and/or cite a motorist without the specific violation occurring. There were no known witnesses to this incident. There is insufficient evidence either to prove or disprove the allegation.

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

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

FINDINGS OF FACT: As discussed above in Allegation #1, there is no corroborative witness or information to determine whether the violation of California Vehicle Code §29501(a) occurred. Thus, there is insufficient evidence either to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/06 **DATE OF COMPLETION:** 11/06/06 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated the officer conducted the traffic citation stop in a rude and sarcastic manner. The officer denied the allegation, stating he does not conduct traffic citation stops in the manner described by the complainant. There were no known witnesses to this incident. There is insufficient evidence either to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/20/06 **DATE OF COMPLETION:** 11/30/06 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant requested the withdrawal of her complaint from OCC investigation.

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

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

FINDINGS OF FACT: The complainant requested the withdrawal of her complaint from investigation.