

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/09 **DATE OF COMPLETION:** 11/06/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers harassed, intimidated and threatened the complainant and used profanity.

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

FINDINGS OF FACT: The officers threatened the complainant and used harsh and profane language toward the complainant. The behavior and comments of the officers were observed by two witnesses. The officers admitted to actions amounting to threats and harassment. By a preponderance of the evidence the actions of the officers were improper and violated Department General Order 2.01.

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

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

FINDINGS OF FACT: The officers physically detained the complainant based on a hunch. The officers lacked the requisite reasonable suspicion to detained the complainant, therefore, their actions amounted to an unlawful detention which was improper and violated Department General Order 5.03.

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DATE OF COMPLAINT: 02/26/09 **DATE OF COMPLETION:** 11/23/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer directed a search of the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that many San Francisco Police Department officers entered her home without a warrant or permission to conduct a parole search for a person who does not live in her home. The Incident Report, CAD record and witness officer statement all confirm that this occurred. The named officer stated that he directed that the complainant's home be searched by the San Francisco Police Department because he thought that the parolee had some control over items in the complainant's home. The officer stated that he did not determine that the parolee lived in the complainant's home because that is not necessary, as he had probable cause to believe that the parolee had some control over items in the home and that was all he needed to direct a parole search. This is an incorrect stating of the rule regarding parole searches. The officer needed probable cause to believe that the parolee resided in the home, and the officer should have known this. 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 #2: The officer caused the complainant and her family to be detained at gunpoint without cause.

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

FINDINGS OF FACT: The complainant stated that some of the San Francisco Police Department officers who entered her residence had their weapons drawn, and stated that she and her siblings were detained while the officers searched their home. The incident report corroborated the detention, but did not corroborate the weapons drawn allegation. However, the witness officer corroborated both of these allegations. The named officer stated that because the search was proper, the detention and the drawn weapons were also proper. As the search was improper, as shown above, the drawn weapons and the detentions were also improper. 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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DATE OF COMPLAINT: 03/02/09 **DATE OF COMPLETION:** 11/24/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: Three complainants stated that the officer cited one of them without any legitimate reason. The named member denied the allegation and articulated a plausible rationale for the citation. There were no other identifiable witnesses to the occurrence and the statements from the complainants lacked consistency and cross-corroboration. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named member denied acting in the alleged manner and making the alleged comments. The statements from three complainants in this case were inconsistent and they lacked cross-corroboration. There were no other identifiable witnesses to this part of the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/18/09 **DATE OF COMPLETION:** 11/09/09 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated the officer detained her without justification regarding an off leash dog incident at a local playground. The complainant admitted she was walking her dogs off leash in a location that required dogs to be on leash where she encountered the officer. 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 used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged the officer used unnecessary force while he detained her. The witness did not observe the entire detention. The witness saw the officer yelling very loudly at the complainant, and saw the witness crying. The witness did not observe the entire contact. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer wrongfully threatened to have her arrested, have her dogs impounded and said he had “better things to do than deal with people like her.” The witness did not observe the entire contact. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer failed to issue the complainant a Certificate of Release.

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

FINDINGS OF FACT: The complainant stated the officer failed to document her detention following his use of force. The officer denied that a detention took place. The officer stated the complainant was free to leave and that no use of force took place. The witness did not observe the entire incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer stated she cited the complainant for failing to yield the right-of-way to an approaching vehicle at an intersection. The complainant denied he failed to yield the right-of-way. No other witnesses came forward. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged that two officers failed to arrest a store manager who beat him up. One of the officers is no longer a member of the San Francisco Police Department. The other officer denied the allegation and said that several anonymous witnesses told her the complainant injured himself while vandalizing, and fleeing the store. The store manager gave conflicting statements to the Office of Citizen Complaints and to the officers. Another witness present during this incident was not available to either verify or deny the allegation. There was no video surveillance footage available to either verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer is no longer a member of the San Francisco Police Department, and therefore no longer available or subject to departmental discipline.

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SUMMARY OF ALLEGATION #1: The officer was rude toward the complainant.

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

FINDINGS OF FACT: The complainant alleged that the officer was rude. The officer denied the allegation. The complainant's friend stated that the officer was rude. A witness officer stated that the officer was nothing but courteous. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged that the officer searched him without consent and pulled his personal items out of his pockets. The officer acknowledged that he conducted a pat search on the complainant for officer safety reasons but denied pulling items out of the complainant's pockets. The complainant's friend stated that she saw the officer search the complainant but she did not witness the entire search because they were behind her. The witness officer stated that the officer conducted a pat search on the complainant. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged that the officer grabbed his arm, the front of his neck and walked him to the patrol car. The officer denied the allegation. The complainant's friend stated that she did not see the officer use any force on the complainant. A witness officer stated that he did not see the officer use any force. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was stopped and issued a citation for no reason. The complainant stated the side panel lens was damaged when he tightened the lens screw. The complainant believed the side panel lens was not part of the brake light assembly. The complainant admitted he did not have a valid driver's license. The named officer observed the complainant's vehicle stopped at the intersection and observed the passenger side brake light was faded yellow compared to the red brake light on the driver side. The officer determined the complainant's driver's license had been suspended/revoked by the Department of Motor Vehicle. The officer issued the complainant a citation for 24603(e) CVC, no red stop lamp on left side of vehicle and 14601.5(a) CVC, Driving on suspended/revoked driver's license. 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 failed to take required action per Department General Order 5.20, Language Access for Limited English Proficient Persons.

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

FINDINGS OF FACT: The complainant stated he asked the named officer in English what was the problem. The complainant admitted that he understood and spoke some English. During a traffic stop, a Spanish-speaking complainant stated, "Please excuse me, Police speak Spanish, Officer." The officer, who does not speak Spanish, admitted that the "complainant may have asked me to speak Spanish." The complainant gave the officer a Peruvian identification card instead of a driver's license. The officer said that the conversation he had with the complainant was in English. The officer believed that the complainant understood him because he answered yes when the officer asked if he understood. The officer cited the complainant for violating California Vehicle Code sections 24603(e) (having a yellow instead of red passenger brake light) and 14601.5(a) driving on a revoked or suspended license. The complainant's vehicle was subsequently towed pursuant to Vehicle Code section 22651(p). Department General Order 5.20 provides that when officers are performing law enforcement functions, they are required to provide free language assistance to Limited English Proficient (LEP) persons they encounter or whenever an LEP person requests language assistance services. Enforcement functions include field contacts with LEP persons such as a traffic stop. The complainant indicated his need for language assistance by asking for a Spanish-speaking officer. To ensure effective communication, especially during a traffic stop that resulted in complainant's car being towed, the OCC recommends a finding of **Training Failure**. The OCC further recommends that the officer be retrained to follow the procedure of Department General Order 5.20 to provide language assistance when encountering LEP individuals.

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SUMMARY OF ALLEGATION #3: The officer used biased policing due to race.

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

FINDINGS OF FACT: The complainant stated he was stopped because he was a Latino male. The named officer did not know the race or ethnicity of the complainant prior to the traffic stop. The race or ethnicity of the complainant was not the prevailing factor for the traffic stop. The complainant was stopped for a vehicle code violation of not having a red stop lamp on the passenger side of the vehicle. The complainant was issued a citation for the vehicle code violation. There was insufficient evidence to either prove or disprove the allegation in the complaint.

SUMMARY OF ALLEGATION #4: The officer towed the vehicle without justification.

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

FINDINGS OF FACT: The complainant stated the officer had no reason to tow his vehicle. The named officer issued the complainant a citation for driving on a suspended or revoked driver's license. The named officer towed the complainant's vehicle per department policy. The San Francisco Police Department policy is to tow a person's vehicle, when the person is issued a citation for driving without a valid driver's license or is issued a citation for driving on a suspended or revoked driver's license. 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: The officer failed to write a report.

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

FINDINGS OF FACT: The complainant stated the officer did not write a report. The named officer denied that the complainant asked her for a police report and stated that the complainant actually refused medical treatment and any further police action. There were no witnesses. There is insufficient evidence to reach a definitive finding.

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

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

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

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SUMMARY OF ADDED ALLEGATION # 1: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant stated that when she called 911 she requested a Spanish-speaking officer. There is no indication that the officer provided the complainant language services for this incident. The complainant stated that she speaks a little English and said she spoke English to the suspect and to the officer and recalled that the female officer spoke some Spanish. The officer stated she did not believe the complainant fit the LEP criteria because they were able to communicate. The responding officer was put on notice by both the dispatcher's broadcast and computer assisted text that indicated the caller's information was provided to dispatch through a Spanish interpreter. To ensure effective communication during San Francisco Police Department investigation of an assault involving a Spanish-speaking victim, the Office of Citizen Complaints recommends a finding of Training Failure. The Office of Citizen Complaints further recommends that the officer be retrained to follow the procedures of DGO 5.20 to provide language assistance when encountering LEP individuals.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The SFPD failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant alleged the San Francisco Police Department held her property for an excessive period of time. Members of the San Francisco Police Department arrested a suspect who allegedly broke into the complainant's locked auto and allegedly stole her personal property. The complainant's property was in the suspect's possession when arrested by the officers. All but the complainant's backpack were seized, photographed and then released to the complainant by the arresting officers. The San Francisco Police Department held the complainant's backpack as evidence during the pendency of the criminal case against the defendant. The District Attorney returned the backpack to the complainant once the case was disposed of. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged that the officers had a duty to administer a “Breathalyzer” test on her intoxicated ex-husband. According to a child custody order, her ex-husband was prohibited from drinking alcohol at any time.

The officers both stated that they observed objective signs of intoxication on the complainant’s ex-husband but had no authority to force him to take breath or blood alcohol tests since he was in his own home at the time of his arrest. They both stated the complainant’s ex-husband refused to take a breath test. They accepted the complainant’s citizen’s arrest of her ex-husband and transported him to the station where he was booked for violating the court order as well as willful harm or injury to a child.

The officers properly documented the complainant’s ex-husband’s intoxication and arrested and booked him. The child custody order did not state that the complainant’s ex-husband was required to submit to a breath or blood alcohol test at any time. He was not intoxicated in public. The officers had no legal authority to force him to take a breath or blood alcohol test. The officers’ actions were proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated her husband stopped for a stop sign while driving. The officer said he saw the complainant's vehicle fail to stop at a stop sign. The witnesses did not provide statements and there was no contact information on another witness who was at the scene. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers' comments and behavior were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer at the scene was verbally abusive, belligerent, hostile, and threatening toward her husband. The complainant said the officer made a remark directed toward her husband and didn't allow him to complete his sentences. The complainant further stated she emailed and called the officer's Captain regarding her complaint against the officer. The complainant said the Captain yelled at her over the phone, interrupted her, and then terminated the call altogether. The officer and Captain both denied the allegation and said they were professional. The Captain said he ended his call with the complainant only after the complainant became hostile and verbally abusive toward him. There was an unknown witness at the scene who left when the officer arrived. The complainant's husband and children did not provide their statements.

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SUMMARY OF ALLEGATION #4: The officer failed to summon a supervisor.

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

FINDINGS OF FACT: The complainant stated her husband requested the officer to contact his supervisor three times but the officer refused to do so. The complainant said the officer ultimately summoned his supervisor to the scene on the fourth request. The officer stated he did ultimately contact his supervisor to the scene. The witnesses did not provide statements and there was no contact information on another witness at the scene. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant admitted to becoming angry and intentionally damaging store property after the cashier refused to sell the complainant some goods below the amount the complainant offered to purchase them. The cashier called police for assistance and police officers responded. Officers subsequently stopped, identified, detained and arrested the complainant. During the detention, the named officer allegedly made threatening remarks to the complainant that the complainant said made him fear for his life. The named officer denied making these statements. Other officers who responded to this incident denied making these statements or hearing any other officer make them. No other witnesses were identified by the complainant or developed during this investigation to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-6: The officers entered and searched the complainants' residence without cause.

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

FINDINGS OF FACT: The complainants stated the officers entered and searched without a warrant and no explanation of what they were looking for. The officers had evidence that an individual with a warrantless search condition resided at the complainants' address.

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

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

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

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SUMMARY OF ALLEGATION #8-9: The officers exhibited inappropriate behavior and made inappropriate comments.

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

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

SUMMARY OF ALLEGATION #10-15: The officers failed to provide their names and badge numbers upon request.

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

FINDINGS OF FACT: The co-complainant said that the officers did not identify themselves when they came to the door. The co-complainant said that when the officers were leaving he asked for their names and star numbers and said that they rattled off the information not allowing him to write it down. The officers 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 #1: The officer behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately and/or made inappropriate comments during the contact. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers denied the allegation. The named officers said they received a radio broadcast of a possible drunk driver last seen driving in the Parkside area. The broadcast stated the driver was a Caucasian male driver approximately 30 years of age, wearing a cowboy hat who was seen getting into a moving van with a possible out of state license plate. The officers observed a moving van with a similar out of state license plate traveling in the same general area. The driver was a Caucasian male and approximately 30 years of age. Due to the similar description of the possible drunk driver, the timeframe and direction of travel, the complainant and her husband were stopped. The named officers stated they conducted an investigative stop on the vehicle. The computer aided dispatch record corroborated the account of the initial broadcast of a possible drunk driver. Department Records in conjunction with the officers statement show that the complainant's husband was not handcuffed, transported away from the scene and that the officers investigation was of limited duration. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION # 3: The officer failed to state the reason for the detention.

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

FINDINGS OF FACT: The officer denied the allegation. He explained the reason for the investigative stop prior to asking the complainant's husband to turn his ignition off and to exit his vehicle. The witness officer and the complainant's husband corroborated the officer explained the reason for the stop. 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 #4: The officer searched the personal property of the complainant.

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

FINDINGS OF FACT: The complainant said the officer asked to search her purse prior to releasing her from an ongoing investigative detention. The complainant stated she allowed the officer to look inside her purse. The officer said she asked the complainant if she could look in her purse and the complainant agreed. The officer looked inside her purse for officer safety reasons and to check for weapons prior to releasing the complainant from an ongoing investigative detention. There were no other witnesses. The evidence proved that the acts, which provided the basis for the allegation, occurred; the act was justified as the complainant admitted she consented to the search.

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

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

FINDINGS OF FACT: The complainant said the officer searched the van to see if there was a cowboy hat or alcoholic beverages in the car. The officer stated she did not search the vehicle. Rather, the officer said she visually inspected the vehicle for the hat matching the broadcasted description and weapons. The complainant stated the officer could see into the back of the van from her position outside of the van and at the front while she talked with the complainant. Because the officer conducted a visual inspection from outside the van, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #6: The officer made an inappropriate comment

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

FINDINGS OF FACT: The complainant stated the officer requested her private identification number prior to releasing her from an ongoing investigative detention. The complainant stated she did not provide the requested information to the officer. The officer denied the allegation. She requested the complainant's name, address, and date of birth prior to her leaving in case she needed to be listed on a police report or contacted later. The officer said if a person does not have identification with them, she would sometimes request their identification number to match to their place of birth, date of birth or driver's license number. The witness officer corroborated that it is common practice to request biographical information of witnesses for incident reports. The witness officer stated an individual is under no obligation to supply the requested information. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: All officers at the scene denied using the profanity or hearing any other officer do so. There is insufficient evidence to identify the officer.

SUMMARY OF ALLEGATIONS #2-3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The detention was based on a 911 report of a person sitting in a vehicle with a gun in his lap. The complainant and his vehicle were specifically described by the reportee. The detention was reasonable based on the description given by the 911 caller. The actions of the officers were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/09 **DATE OF COMPLETION:** 11/21/09 **PAGE #2 of 3**

SUMMARY OF ALLEGATIONS #4-6: The officers pointed their guns at the complainant without justification.

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

FINDINGS OF FACT: The complainant said five officers pointed their guns at him. Two officers admitted to the conduct. All other responding officers denied having their gun out and pointed at the complainant. There were no other witnesses. There is insufficient evidence to identify any other officer. The conduct of the identified officers was not excessive or unnecessary. Department General Order 5.02 provides that “Nothing in this policy shall prohibit the drawing or exhibiting of a firearm in the line of duty when an officer reasonably believes it necessary for his/her own safety or for the safety of others.” The 911 caller specifically described the complainant and his vehicle down to the license plate number. Dispatch reported an A Priority person in a car with a gun. The action of the officers was justified, lawful and proper.

SUMMARY OF ALLEGATION #7: The officers refused to provide assistance.

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

FINDINGS OF FACT: No officer was conclusively identified. The officers all denied the allegation. There were no other witnesses. There is insufficient evidence to identify the officer or officers.

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DATE OF COMPLAINT: 06/04/09 **DATE OF COMPLETION:** 11/21/09 **PAGE #3** of 3

SUMMARY OF ALLEGATION #8: The officer failed to provide his name upon request.

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

FINDINGS OF FACT: No officer was conclusively identified. The officers all denied the allegation. There were no other witnesses. There is insufficient evidence to identify the officer or officers.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/09 **DATE OF COMPLETION:** 11/21/09 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The University of California San Francisco Police arrested the complainant's son in San Francisco on June 17, 2009, days after her daughter-in-law reported a domestic violence act in San Francisco, and reported the same incident separately in Contra Costa County where she resides. While the complainant's son appeared in San Francisco Superior Court for the University of California San Francisco arrest, Contra Costa County Sheriff's Department simultaneously investigated the case, and subsequently obtained and issued an arrest warrant for the complainant's son. The complainant saw the San Francisco Police Department officers arresting her son on June 21, 2009 and believed they were doing so for a criminal matter already dealt with in court two days earlier. The officers stated they knew the complainant's son from prior arrests, but also knew he had an outstanding arrest warrant. Records from multiple law enforcement jurisdictions and the San Francisco Superior Court systems established that the San Francisco Police Department officers acted lawfully based on a legitimate outside jurisdiction arrest warrant without knowing of the court appearances by the complainant's son for the University of California San Francisco Police arrest. The officer's acts were lawful and proper.

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

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

FINDINGS OF FACT: The evidence proved that the officer was not harassing the complainant's son, but acting on a legitimate outstanding arrest warrant from another jurisdiction.

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DATE OF COMPLAINT: 06/22/09 **DATE OF COMPLETION:** 11/21/09 **PAGE #2** of 2

SUMMARY OF ALLEGATION #4: The officer failed to promptly and politely provide his name and star number.

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

FINDINGS OF FACT: The complainant said she asked the officer for his star number and he ignored her. The officer denied ever having any contact with the complainant. Two witnesses on scene could not recall if the complainant asked the officer for his name or star number, and two other witnesses on scene did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/09 **DATE OF COMPLETION:** 11/21/09 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer conducted a traffic stop without justification.

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

FINDINGS OF FACT: The complainant withdrew the complaint.

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/09 **DATE OF COMPLETION:** 11/06/09 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The department failed to provide information.

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

FINDINGS OF FACT: The complainant said he believed the San Francisco Police Department should inform him of the location of his adult family member, despite his acknowledgement that the family member was competent and had requested to move away from her family. The evidence proved that the actions that formed the basis for the complaint occurred; however, such actions were justified, legal and proper.

SUMMARY OF ALLEGATION #2: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer refused to return phone calls. The named officer acknowledged receiving requests for phone calls, and said he returned all calls to the complainant and spoke to the complainant on several occasions. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/30/09 **DATE OF COMPLETION:** 11/03/09 **PAGE#** 1 of 2

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

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

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

SUMMARY OF ALLEGATION #2: The officer failed to prepare a complete and accurate incident report.

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

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/09 **DATE OF COMPLETION:** 11/03/09 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer discriminated against the complainant on the basis of complainant's sexual orientation.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/09 **DATE OF COMPLETION:** 11/19/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer improperly failed to release an impounded vehicle after the SFPD towed it. The complainant alleged the San Francisco Police Department was required to release it to the registered owner if the owner was properly licensed. The OCC investigation found that the registered owner, although licensed, had not insured the vehicle. The officer confirmed the vehicle was uninsured and could not be released. The evidence proved that the acts, which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer made inappropriate remarks to him during two separate contacts. The officer denied the allegation. In the first contact, the witness was unable to provide specific information as to what the officer stated to the complainant that was inappropriate. In the second contact, there were no witnesses. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 07/09/09 **DATE OF COMPLETION:** 11/21/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officers were dispatched to a call of a suspicious person inside a business at the airport. A witness corroborated that their business contacted the San Francisco Police Department regarding the complainant's behavior that they considered suspicious. The officers contacted the complainant and identified her as the involved party. The officers investigated the matter. The evidence proved that the act that provided the basis for the allegation occurred; however said act was proper and lawful as the officers detained the complainant to investigate the dispatched call.

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

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

FINDINGS OF FACT: The officer denied the allegation. A witness officer denied that the named officers behavior or comments were inappropriate. There were no independent witnesses to the contact between the officer and the complainant. There is insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/09 **DATE OF COMPLETION:** 11/05/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The officer stated the complainant almost ran him over with his car while he was driving home on his motorcycle. He stated the complainant drove recklessly, laughing at the officer and, throwing objects at him. At one point, the complainant's driving forced the officer to strike the median and almost lose control of his motorcycle. The officer identified himself as a police officer and told the complainant to pull over. The complainant pulled over but took off as soon as the officer got off his motorcycle. The following day, the officer reported this incident at a local police station.

The complainant acknowledged that the officer identified himself as an officer and also acknowledged that he took off when he was stopped. There were no witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was arrested for aggravated assault on a police officer.

The officer stated the complainant almost ran him over with his car while he was driving home on his motorcycle. He stated the complainant drove recklessly, laughing at the officer and, throwing objects at him. At one point, the complainant's driving forced the officer to strike the median and almost lose control of his motorcycle. The officer identified himself as a police officer and told the complainant to pull over. The complainant pulled over but took off as soon as the officer got off his motorcycle. The following day, the officer arrested the complainant. The charges of aggravated assault on a police officer were suggested and approved by the officer's supervisors. The named member recorded the suspect's license plate number, make and model of the suspect vehicle. The following day the officer observed the vehicle and driver of suspect vehicle and subsequently arrested the complainant.

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DATE OF COMPLAINT: 07/16/09 **DATE OF COMPLETION:** 11/07/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer detained and cited him for using a cellular phone while driving, although the complainant was parked at the time he was using his phone. The named officer stated that he observed the complainant using his cellular phone while driving. There were no known witnesses to the incident. Footage from surveillance cameras in the area was no longer available by the time this complaint was filed. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments and exhibited an inappropriate manner during a traffic stop. The officer denied making the inappropriate comments or exhibiting an inappropriate manner. There were no known witnesses to the incident. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 07/17/09 **DATE OF COMPLETION:** 11/21/09 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that she repeatedly asked officers to arrest the individual who assaulted her son but was told that there would be no arrests made. The incident report documents that the suspect was cited for 243 (b) PC. A misdemeanor citation is an arrest. The officers' actions were proper.

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

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

FINDINGS OF FACT: The complainant said officers threw her son to the ground as he tried to prevent his cousin from being pepper-sprayed by another individual. The officers denied using reportable force at the scene. One witness stated that police pushed one individual, but she could not see which officer because she had pepper spray in her eyes. The complainant did not permit her sons to be interviewed. There is insufficient evidence to identify the officer or to prove or disprove the allegation.

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DATE OF COMPLAINT: 07/23/09 **DATE OF COMPLETION:** 11/07/09 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 and #2: The officer failed to abate a traffic violation.

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

FINDINGS OF FACT: The officer had no duty to prevent the driver from committing the traffic violation. The actions of the officers were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant was asked out of the vehicle in an effort to conduct a conversation with him and to investigate whether to cite him for interfering with an officer. The complainant denied interfering. There were no other available witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer denied the allegation and stated that he complied with the department general orders in that he treated the complainant with courtesy and did not engage in inappropriate manner. No other witnesses were available. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #6: The officer failed to prove his name and star number.

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

FINDINGS OF FACT: The officer said the complainant asked him one time for his name and star number and he provided it. A witness officer said he only heard the complainant ask the officer one time for the information. There were no other available witnesses. There is insufficient evidence to reach a definitive finding.

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DATE OF COMPLAINT 07/24/09 **DATE OF COMPLETION:** 11/21/09 **PAGE#** 1 of 2

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

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

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

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

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

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

SUMMARY OF ALLEGATION #4: The officer failed to take the required action as required by policy.

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

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

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DATE OF COMPLAINT: 08/07/09 **DATE OF COMPLETION:** 11/15/09 **PAGE** 1 of 2

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer engaged in biased policing.

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

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

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/11/09 **DATE OF COMPLETION:** 11/05/09 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer misused a computer/CLETS.

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

FINDINGS OF FACT: The complainant alleged that a member used a computer to search the names of several acquaintances. Department records indicated that no officers used their Department –issued computer logons to research the names given by the complainant during the period of time the searches were allegedly done. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer demonstrated racially biased policing.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 29, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer demonstrated racially biased policing.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 29, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 08/12/09 **DATE OF COMPLETION:** 11/02/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that, during his arrest, the officer punched him in the face and kicked his body “everywhere.” The complainant stated his head and neck were still hurting. The complainant further stated that he was in a car accident earlier this year and was still being treated for head and neck injuries. The complainant did not seek medical attention for the injuries he allegedly suffered at the time of his arrest. The officer stated that the complainant was cooperative while being taken into custody and no physical controls or force was needed. Two witness officers also stated that no physical controls or force was needed to take the complainant into custody. There were no other available witnesses and no additional evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer seized the complainant’s property.

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

FINDINGS OF FACT: In his written complaint, the complainant stated that \$1100-\$1200 was taken from him at the scene. In his Office of Citizen Complaints’ interview, he stated that \$2,000 was taken from him. He also stated the officer took and threw his IPOD into an empty bathtub.

Witness Officer #1 stated U.S. currency was seized from the complainant at the station and the complainant was given a property receipt. This witness further stated the complainant signed a property receipt for \$117. The officer denied seeing an IPOD. Witness Officer #2 stated she did not see any cash being removed from the complainant “but that would be a normal part of any booking procedure.” The second witness officer stated she never saw an IPOD. Witness Officer #3 stated he did not see anyone take cash or an IPOD from the complainant’s pockets. The named officer stated that the complainant’s property was removed by another officer during the booking process at the station. There were no other available witnesses and no additional evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 08/16/09 **DATE OF COMPLETION:** 11/24/09 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant acknowledged cursing at the officer and interfering with a traffic investigation. The complainant also acknowledged refusing a lawful order to place his hands on the wall. He further acknowledged fleeing when the officer attempted to arrest him. The co-complainant stated she tried to tell the complainant to stop interfering and go back into his house, to no avail. A witness stated the complainant screamed profanities at the officer and challenged him to a fight. The witness further stated that the complainant refused to obey the officer's order to place his hands on the wall, and then ran from the scene. The officer stated the complainant interfered with a traffic investigation, failed to obey lawful orders and fled the scene when the officer attempted to arrest him. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The co-complainant was cited for impeding traffic. The co-complainant denied impeding traffic. There were no available witnesses to this action and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer was discourteous to the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated that the officer approached her car and asked, "Do you know what you just did?" Then he said something else that she could not remember. The co-complainant said she could not answer his questions. Then he asked, "Why were you going so slow?" The co-complainant told the officer there was a car in front of her. She said the officer then said, "Didn't you see the cars going around you?" The co-complainant said this statement frightened her. The co-complainant further said, "I'm not sure of the sequence of events" and "I don't remember some of it." She said the officer was "forceful" and "almost yelled at me." She could not be more specific. The officer denied being discourteous to the co-complainant. 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: 08/20/09 **DATE OF COMPLETION:** 11/30/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer stated he detained the complainant for public intoxication. The initial reporting party informed the named officer that he had been victimized by the complainant's intoxicated and challenging demeanor. The officer said the complainant could not care for himself and/or others and was subsequently detained for being drunk in public. The witness corroborated that he contacted the officer to report the complainant's behavior. The witness stated that the complainant was extremely intoxicated. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The complainant stated mounted patrol officers should have cleaned up their horses' manure that was left near her home. The complainant said the officers allowed their horses to defecate and should have had bags on them to catch the horses' manure. The San Francisco Police Department does not have rules or guidelines regarding cleaning up after their horses. However, the Stables Department responds to calls to clean up from the stations, dispatch or reportees. There were no witnesses from the incident. The complainant failed to provide additional requested evidence. Furthermore, without additional information from the complainant, the mounted officers are not clearly identified as members of the San Francisco Police Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

SUMMARY OF ALLEGATIONS #1-2: The officers made an unwarranted action.

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

FINDINGS OF FACT: The complainant alleged the officers should not have responded to a 911 call to her residence. The complainant has a landline set up in her house for a business. The landline erroneously dialed 911. Department of Emergency Management Records Confirmed that the complainant's landline dialed 911. An audible fax tone could be heard. The 911 calltaker left a voice mail for the complainant, alerting her household that a unit would be sent out. The calltaker further requested the complainant to cancel police services if they were not needed. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 09/17/09 **DATE OF COMPLETION:** 11/21/09 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer's demeanor was rude and she made inappropriate comments and behaved in an inappropriate manner.

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

FINDINGS OF FACT: The officer denied the allegation. A witness to the conduct did not respond to the OCC requests for an interview. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 09/17/09 **DATE OF COMPLETION:** 11/21/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer was discourteous to the complainant.

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

FINDINGS OF FACT: The complainant stated that, during a traffic stop, the officer said to him, "Don't give me any crap." The officer denied the allegation. There were no witnesses to their conversation. There was no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/09 **DATE OF COMPLETION:** 11/30/09 **PAGE#** 1 of 2

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/09 **DATE OF COMPLETION:** 11/30/09 **PAGE#** 2 of 2

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to make the required traffic data entry.

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

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

SUMMARY OF OCC ADDED ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/09 **DATE OF COMPLETION:** 11/03/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested information and did not provide an initial recorded interview to OCC.

SUMMARY OF ALLEGATION #3-4: The officers failed to conduct an investigation.

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

FINDINGS OF FACT: The complainant failed to provide additional requested information and did not provide an initial recorded interview to OCC.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/09 **DATE OF COMPLETION:** 11/04/09 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/09 **DATE OF COMPLETION:** 11/18/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The Superior Court had no record of any citation being issued to the complainant. The officer could not be identified. The complainant could not be located and was unable to provide additional evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/06/09 **DATE OF COMPLETION:** 11/19/09 **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 November 10, 2009.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/13/09 **DATE OF COMPLETION:** 11/21/09 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complaint stated that no contraband was discovered during the search of his person and that the suspected narcotics was simply picked by the officer from the ground. The named member stated that the complainant was arrested because during the probation search, the officer said he discovered suspected rock in the complainant's beanie hat. Two other officers involved in this police contact supported this statement. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/09 **DATE OF COMPLETION:** 11/24/09 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer drove a San Francisco Police Department vehicle improperly.

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

FINDINGS OF FACT: The complainant stated he was nearly run over while in a pedestrian area. 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 exhibited an inappropriate behavior.

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

FINDINGS OF FACT: The complainant said the officer did not care that he was visibly shaken and did not ask if he was all right. The complainant said the officer instead told him that he should have heard the sirens and moved. The officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/09 **DATE OF COMPLETION:** 11/30/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the officer threatened her and her family. The officer identified by the complainant denied the allegation. There is no evidence to substantiate the alleged incident or contacts with the complainant since 2007. A witness to part of the allegation declined OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/09 **DATE OF COMPLETION:** 11/21/09 **PAGE #1** of 2

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/09 **DATE OF COMPLETION:** 11/21/09 **PAGE #2** of 2

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/09 **DATE OF COMPLETION:** 11/07/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used force during the contact with the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that she went to the police station to file criminal charges against unidentified San Francisco Police Department officers who over the past seven years have repeatedly entered her house when she was not there and planted illegal cameras, receivers, transmitters and bugs. They have also planted transmitters and receivers in her car, followed her when she traveled and conducted surveillances of her home in unmarked vehicles. These individuals also stole recordings made in the complainant's home of one of these officers, a now-retired officer who the complainant knows only by his first name, confessing to various illegal acts. The complainant stated that she presented the officer at the counter with a 4-page handwritten Incident Report Statement describing the actions of these officers, along with a copy of a findings letter from the OCC indicating that a complaint she filed against these officers had been classified as Information Only. The officer at the counter told the complainant that she could not take a report concerning this matter because it involved allegations against former or current San Francisco Police Department officers. The evidence established that the named officer was not required to prepare an incident report and that the named officer's actions were proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1-2: The officers entered and searched the complainant's apartment without cause.

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

FINDINGS OF FACT: The complainant stated that when he returned to his apartment after a ten day absence, he found that his possessions had been thrown around and disturbed. The complainant's landlord told him that he summoned police and admitted them into the complainant's apartment because unauthorized individuals were in the apartment drinking, using drugs and playing loud music, and that the police officers searched the complainant's apartment. Department Communications Records indicate that the named officers responded to a call from the complainant's landlord about trespassers inside the complainant's apartment, and that the subjects inside the apartment agreed to leave the premises. The complainant's landlord and a civilian witness both stated that the officers did not enter the complainant's apartment. The evidence established that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/16/09 **DATE OF COMPLETION:** 11/16/09 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/17/09 **DATE OF COMPLETION:** 11/21/09 **PAGE #1** of 1

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

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

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

Investigative Services Unit
San Francisco Sheriff's Department
25 Van Ness Rm. 350
San Francisco, Ca 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/20/09 **DATE OF COMPLETION:** 11/23/09 **PAGE#** 1 of 1

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

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

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

Law Offices of George W. Borges
255 Kansas Street #340
San Francisco, Ca 94103-5154

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/09 **DATE OF COMPLETION:** 11/30/09 **PAGE #1** of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/09 **DATE OF COMPLETION:** 11/30/09 **PAGE #1** of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/09 **DATE OF COMPLETION:** 11/13/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant and co-complainant stated the officers conducted a wrongful detained action against them. They said the officers should have contacted the San Francisco Sheriff's Department instead. The witness stated he contacted the officers to make sure the complainants removed their property from a storage facility, located in a rooming house where the complainants formerly resided but continued to occupy. The officers denied the allegation, stating the landlord requested them to perform a civil standby to keep the peace. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainants stated they sought additional information about how to recover the property from the officer. They alleged the officer made inappropriate comments and acted in an inappropriate manner. One of the complainants has a history of previous contacts with the officer. Both complainants have a previous history of arrests and one has a stay away order. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/09 **DATE OF COMPLETION:** 11/13/09 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officers accepted temporary secondary employment and failed to comply with appropriate sections of Department General Order 11.02. The officers admitted they negotiated an oral agreement with a private party to provide him with security services without first seeking the permission of their commanding officer or the Chief of Police. The officers admitted accepting cash as payment and did not report the payment to their superior officer. The officers were not on the payroll of their temporary employer. The officers admitted wearing their stars on their outermost clothing and identified themselves as police officers during the performance of their secondary employment duties. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/09 **DATE OF COMPLETION:** 11/19/09 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant alleged that the officer kicked him. The officer stated that he performed a bent knee take down maneuver to seat the complainant on the sidewalk, so the complainant would not sustain further injury. The officer's partner stated that the complainant was extremely agitated and hostile; his partner used the bent knee maneuver to place the complainant off balance and seat him on the ground. DGO 5.01 (F)(1)(b) states that the officers may use force in the performance of their duties to prevent a person from injuring himself/herself. No other witnesses came forward. The preponderance of the evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged that the officer handcuffed him without justification. The officer stated that he handcuffed the complainant because his gait was unsteady; he feared the complainant would sustain further injury and the complainant refused medical evaluation. DGO 5.01 (F)(1)(b) states that the officers may use force in the performance of their duties to prevent a person from injuring himself/herself. The preponderance of the evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/09 **DATE OF COMPLETION:** 11/19/09 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant alleged that the officer detained him without justification. The officer stated that the complainant was detained so he could be medically evaluated by SFFD because he was a danger to himself. DGO 6.14(1)(A) states that officers may detain an individual for evaluation only when officers believe that the individual is a danger to himself/herself. The preponderance of the evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged that the officer used profanity. The officer denied the allegation. The officer's partner denied hearing any profanity used. The complainant's wife stated that the officer used profanity. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/09 **DATE OF COMPLETION:** 11/19/09 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant alleged that the officer made an inappropriate comment. The officer denied the allegation. The officer's partner denied hearing the comment. The complainant's wife stated that the officer made an inappropriate comment. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/09 **DATE OF COMPLETION:** 11/19/09 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The Office of Citizen Complaints alleged that the officer handcuffed the complainant and failed to issue a Certificate of Release. The officer stated that he handcuffed the complainant and acknowledged he released the complainant without issuing a Certificate of Release. The officer's partner stated that he assisted in handcuffing the complainant and acknowledged that the complainant was not issued a Certificate of Release. According to Department General Order 5.03, if a detained person is taken to a police facility or is physically restrained, conduct a Certificate of Release must reissue. A preponderance of the evidence proved that the complained of conduct did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/09 **DATE OF COMPLETION:** 11/07/09 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: Two complainants, who were not present at the scene of the incident, stated that the off-duty officer attempted to arrest their underage son without any legitimate reason. Their son became a co-complainant in this case and stated that he did not clearly recall the events preceding his arrest because he was heavily intoxicated at the time. The named member, who was off-duty at the time of this incident, stated that he indeed attempted to take the complainant's son into custody having observed him damaging the officer's personal vehicle. There were no other identifiable witnesses to this contact. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to properly identify himself.

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

FINDINGS OF FACT: Two complainants, who were not present at the scene of the incident, stated that the off-duty officer failed to properly identify himself before attempting to place their underage son into police custody. Their son, who also became a co-complainant in this case, stated that a man in civilian clothes merely said that he was a police officer but did not show a badge or any other official police insignia before ordering him to stop. The named member, who was off-duty at the time of this incident, stated that he showed his San Francisco Police Department badge and told the complainants' son that he was a police officer before ordering him to stop and wait for the marked unit to respond to the scene. Ignoring the order, the son pushed the officer to the ground and fled only to be detained by uniformed officers shortly after. There were no identifiable witnesses to this part of the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/09 **DATE OF COMPLETION:** 11/07/09 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: Two complainants, who were not present at the scene of the incident, stated that the off-duty officer used unnecessary force to place their underage son into police custody. Their son, who also became a co-complainant in this case, stated that a man in civilian clothes grabbed his arm and ordered him to stop, saying that he was a police officer, but not showing a badge or any other official insignia. The named member, who was off-duty at the time of this incident, stated that he showed his SFPD badge and told the complainants' son that he was a police officer before ordering him to stop and wait for the marked unit to respond to the scene. Ignoring the order, the co-complainant pushed the officer to the ground and fled only to be detained by uniformed officers shortly after. There were no identifiable witnesses to the alleged use of force. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants, who were not present during the incident and relied on their son's account, stated that the uniformed officers made inappropriate comments after taking him into custody. Their son, who also became a co-complainant, stated that several uniformed officers made derogatory comments after taking him into custody. Four officers involved in the arrest of the complainants' son denied acting in the said manner and/or making the alleged comments. No other witnesses came forward. The available evidence was insufficient to identify the member responsible for the alleged misconduct and to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01//27/09 **DATE OF COMPLETION:** 11/25/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly process the complainant's personal property.

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

FINDINGS OF FACT: The complainant and a witness stated that the witness was arrested and the officer failed to properly process the complainant's cellular phone and wallet. The wallet and cellular phone were never recovered or returned to the witness. The officer admitted that while taking the witness into custody, he observed the witness' cellular phone and wallet fall to the ground. The officer admitted that he retrieved both items and placed them on the hood of a nearby-parked patrol car. The officer stated that he told other officers that he had placed the property on the patrol car. No other officer heard the named officer make the statement that the property was on the patrol car. Despite a search of the arrest area, the property was never located and was listed as lost in the San Francisco Police Department incident report. A preponderance of the evidence proved that the conduct alleged did occur and that using as a standard the applicable regulations of the Department, the conduct was improper when the officer did not properly process the complainant's cellular phone and wallet.

SUMMARY OF ALLEGATION #2: The officer failed to properly process the complainant's personal property.

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

FINDINGS OF FACT: The officer denied having any contact or knowledge of the missing property. Another officer admitted that he retrieved the missing property and placed the property on a patrol car. The evidence proved that the officer was not involved in the alleged act.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/09 **DATE OF COMPLETION:** 11/25/09 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant went surfing with his 13-year-old, while leaving his 11-year-old son in the car. The complainant stated that after surfing for about 10 minutes, he went to go check on his 11-year-old son. The complainant stated that when he got to his car, he saw the police with his son. The complainant was then arrested for violating CA Penal Code section 271a, which states, in part, “Every person who knowingly and willfully abandons, or who, having ability so to do, fails or refuses to maintain his or her minor child under the age of 14 years is punishable by imprisonment in the state prison, or in the county jail not exceeding one year, or by fine not exceeding one thousand dollars.” Office of Citizen Complaint’s investigation established that, given the totality of the circumstances, the officers did not have probable cause to arrest the complainant for the above-mentioned section of the Penal Code. 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: The officer wrote an inaccurate application for Emergency Protective Order (EPO) attached to the incident report.

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

FINDINGS OF FACT: The officer wrote in the Emergency Protective Order that the complainant left his son “unattended for over an hour while he went surfing with his other son.” Office of Citizen Complaint’s investigation established that the complainant’s son was not left in the vehicle “for over an hour,” making the officer’s statement inaccurate. 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/09 **DATE OF COMPLETION:** 11/03/09 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-3: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant alleged that the officers searched her residence without cause. The Office Of Citizen Complaints investigation established that the complainant's fiancé was on probation and that the officers conducted a probation search of the complainant's residence. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #4: The officer seized the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated that the officers took her vehicle to the station. The officers involved in the investigation admitted moving the complainant's vehicle to the station for officer safety. The officers interviewed by the Office Of Citizen Complaints, however, could not recall who drove the vehicle to the station. Nonetheless, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.