

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/08 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was standing in line outside a nightclub when an unknown individual shoved him from behind. The complainant responded by verbally challenging this person, who he then realized was a police officer who was responding to a nearby fight. Soon afterwards, the same officer and several other officers approached and grabbed the complainant and took him into custody for being drunk in public, when the complainant had not consumed any alcohol. The complainant's girlfriend, who was present, confirmed the complainant's account, but was unable to provide contact information for two other individuals who were with them in line outside the club. The named officer stated that as he and his partner were moving through the crowd outside the nightclub to assist other officers, he bumped against the complainant or the complainant bumped against him. The complainant responded by angrily using profanity. After assisting the other officers, the named officer approached the complainant in order to explain what the officers had been doing and to correct any misunderstanding he might have about their actions as they moved through the crowd. The complainant responded belligerently. The named officer determined that the complainant was intoxicated in public and unable to care for himself, took him into custody and transported him to the county jail. The named officer's partner confirmed his account of the incident. A sheriff's deputy at the county jail who the complainant said recognized that he was not intoxicated stated that she did not recall the complainant. The complainant did not return a signed medical release mailed to him that would have allowed the OCC to obtain his medical screening records from the jail, which could have shed light on whether he exhibited signs of intoxication. Attempts to identify and interview employees of the nightclub who observed the complainant's interaction with the named officer were unsuccessful. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was standing in line outside a nightclub when an unknown individual shoved him from behind and used profanity and made inappropriate comments. The complainant responded by verbally challenging this person, who he then realized was a police officer who was responding to a nearby fight. Soon afterwards, the same officer and several other officers approached and grabbed the complainant and took him into custody for being drunk in public. The named officer again using profanity and made inappropriate comments. The officer also used profanity while the complainant was talking to his roommate on his cell phone inside the patrol car. The complainant's girlfriend, who was present, confirmed that the named officer used profanity and made inappropriate comments, but she was unable to provide contact information for two other individuals who were with them in line outside the club. The complainant's roommate confirmed calling the complainant while he was in the patrol car, but did not recall hearing anyone use profanity. The named officer denied using profanity. The named officer's partner said he did not recall hearing the named officer use profanity. The complainant did not return a signed medical release mailed to him that would have allowed the OCC to obtain his medical screening records from the jail, which could have shed light on whether he exhibited signs of intoxication. Attempts to identify and interview employees of the nightclub who observed the complainant's interaction with the named officer were unsuccessful. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was standing in line outside a nightclub when an unknown individual shoved him from behind. The complainant responded by verbally challenging this person, who he then realized was a police officer who was responding to a nearby fight. Soon afterwards, the same officer and several other officers approached and the named officer grabbed the complainant. The named officer then pushed the complainant against his patrol car. The complainant's girlfriend said she saw the named officer and several other officers grab the complainant, and saw the named officer push the complainant against the patrol car. The complainant's girlfriend was unable to provide contact information for two other individuals who were with them in line outside the club. The named officer denied that he or any other officers grabbed the complainant, and said he did not recall whether the complainant was thrown against or bent over the patrol car. The named officer's partner confirmed his account of the incident. The complainant did not return a signed medical release mailed to him that would have allowed the OCC to obtain his medical screening records from the jail, which could have shed light on whether he exhibited signs of intoxication. Attempts to identify and interview employees of the nightclub who observed the complainant's interaction with the named officer were unsuccessful. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer misused police authority.

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

FINDINGS OF FACT: The complainant stated that he was standing in line outside a nightclub when an unknown individual shoved him from behind. The complainant responded by verbally challenging this person, who he then realized was a police officer who was responding to a nearby fight. The officer responded in a verbally aggressively manner, using profanity to the complainant. Soon afterwards, after the named officer had dealt with the other incident, he came looking for the complainant, who he referred to in a derogatory way and who he claimed had talked disrespectfully earlier. When the named officer located the complainant, he grabbed him, pushed him against a patrol car, used profanity and handcuffed the complainant. When the complainant asked why he was being arrested, the named officer said it was "for being an asshole." The complainant said he was wrongfully detained for being drunk in public. The complainant's girlfriend, who was present, confirmed the complainant's account, but she was unable to provide contact information for two other individuals who were with them in line outside the club. The named officer denied misusing police authority, stating that he contacted the complainant to explain why he'd been rushing through the crowd earlier and arrested him after the complainant behaved aggressively and the officer determined that he was intoxicated. The named officer denied using profanity or making the statements attributed to him by the complainant. The named officer's partner confirmed his account of the incident. The complainant did not return a signed medical release mailed to him that would have allowed the OCC to obtain his medical screening records from the jail, which could have shed light on whether he exhibited signs of intoxication. Attempts to identify and interview employees of the nightclub who observed the complainant's interaction with the named officer were unsuccessful. There is insufficient evidence to prove or disprove the allegation.

OCC ADDED ALLEGATIONS:

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

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

FINDINGS OF FACT: The complainant stated that he was wrongfully arrested for being drunk in public when he had not been drinking, and that the officer's actions were retaliatory because of a hostile verbal interaction they had. The incident report prepared by the named officer states that the complainant used profanity and a racial slur, exhibited signs of intoxication and verbally threatened the officer. The complainant denied using profanity or a racial slur and denied making the threats attributed to him by the named officer. The complainant's girlfriend, who was present, confirmed the complainant's account, but she was unable to provide contact information for two other individuals who were with them in line outside the club. The named officer stated that his incident report was accurate. The named officer's partner confirmed his account of the incident. The complainant did not return a signed medical release mailed to him that would have allowed the OCC to obtain his medical screening records from the jail, which could have shed light on whether he exhibited signs of intoxication. Attempts to identify and interview employees of the nightclub who observed the complainant's interaction with the named officer were unsuccessful. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he went to a public housing project to visit his brother, and was standing on the sidewalk talking to several individuals when four plainclothes officers arrived. One of them, the named officer, asked the complainant to come talk to him, but the complainant refused. This officer then told the complainant to raise his hands above his head, grabbed the complainant and pulled the complainant's arms above his head and pat-searched the complainant for weapons. The named officer stated that he knew that the complainant did not reside in this public housing project, and had previously admonished him about loitering and trespassing in the area. The named officer said he contacted the complainant because he had received timely information that a gang member in the area had threatened to shoot the complainant. The named officer said he thought the complainant might be carrying a firearm because of this threat, and wanted to search him for weapons because he was wearing a shirt that covered his waistband. The named officer told the complainant to step away from the people he was talking to and to place his hands on his head. The officer then conducted a pat search for weapons. The named officer stated that he detained the complainant for trespassing. The two witness officers corroborated the named officer's account. The complainant's brother, who was present during this incident, stated that the complainant came to visit him on the afternoon of this incident. They were standing on the sidewalk with several other individuals when officers arrived. The named officer asked to speak with the complainant, and when the complainant hesitated, the officer said he could arrest the complainant for trespassing if he did not come and talk to him. One of the officers told the complainant to place his hands above his head. The complainant's brother thought the complainant was searched after he was handcuffed. Neither the complainant nor his brother was able to provide accurate contact information for the other individuals who were present. The area where this encounter took place is the property of the San Francisco Housing Authority, and No Trespassing signs are prominently posted. The Housing Authority has given the SFPD the authority to enforce the no trespassing ordinance on their property. At the time of this incident, the complainant was not a legal resident of this housing project. The actions complained of were proper.

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

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

FINDINGS OF FACT: The complainant stated that he went to a public housing project to visit his brother, and was standing on the sidewalk talking to several individuals when four plainclothes officers arrived. One of them, the named officer, asked the complainant to come talk to him, but the complainant refused. The officer then arrested the complainant for trespassing. The named officer said he contacted the complainant because he had received timely information that a gang member in the area had threatened to shoot the complainant. The named officer said he thought the complainant might be carrying a firearm because of this threat, and wanted to search him for weapons because he was wearing a shirt that covered his waistband. The named officer told the complainant to step away from the people he was talking to and to place his hands on his head. The officer then conducted a pat search for weapons. The named officer stated that he detained and then arrested the complainant for trespassing. The two witness officers corroborated the named officer's account. The complainant's brother, who was present during this incident, stated that the complainant came to visit him on the afternoon of this incident. They were standing on the sidewalk with several other individuals when officers arrived. The named officer asked to speak with the complainant, and when the complainant hesitated, the officer said he could arrest the complainant for trespassing if he did not come and talk to him. One of the officers told the complainant to place his hands above his head. The complainant's brother thought the complainant was searched after he was handcuffed. Neither the complainant nor his brother was able to provide accurate contact information for the other individuals who were present. The area where this encounter took place is the property of the San Francisco Housing Authority, and No Trespassing signs are prominently posted. The Housing Authority has given the SFPD the authority to enforce the no trespassing ordinance on their property. At the time of this incident, the complainant was not a legal resident of this housing project. The actions complained of were proper.

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SUMMARY OF ALLEGATION #3: The officer conducted a search beyond the scope of authority.

CATEGORY OF CONDUCT: UA

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that he went to a public housing project to visit his brother, and was standing on the sidewalk talking to several individuals when four plainclothes officers arrived. One of them, the named officer, asked the complainant to come talk to him, but the complainant refused. This officer then told the complainant to raise his hands above his head, grabbed the complainant's arm and raised it up and pat-searched the complainant for weapons. The officer reached inside the complainant's pocket and removed his car keys. After the complainant was arrested, the officer searched the complainant's vehicle without his consent. The named officer said that while pat-searching the complainant, he felt a hard object in the complainant's pocket that he thought might be a weapon, and that when he started to reach inside the complainant's pocket, the complainant began to move around and pull away from the officer. The complainant was then placed under arrest for trespassing, and the complainant's car, which was parked nearby, was searched with his consent. The two witness officers corroborated the named officer's account. The complainant's brother thought the complainant was pat-searched after he was handcuffed, and did not recall seeing an officer remove anything from the complainant's pocket. The complainant's brother terminated the interview before he could be asked about the search of the complainant's vehicle and failed to respond to multiple attempts to complete the interview. Neither the complainant nor his brother was able to provide accurate contact information for the other individuals who were present. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleges that the officer arrested him without cause. The evidence shows that the complainant had an outstanding arrest warrant. The evidence proved that the act, which provided for the basis of the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2-3: The officers used unnecessary force during arrest.

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

FINDINGS OF FACT: The complainant alleges that the officers used unnecessary force during his arrest. One officer stated that he used a bar-arm takedown to gain control of the complainant. The other officer denied the allegation and stated that he only assisted in placing the complainant in handcuffs because the complainant was resisting. No witnesses came forward. The evidence is insufficient to either prove or disprove the allegations.

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SUMMARY OF ALLEGATION #4-6: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant alleges that the officers searched him without cause. The evidence shows that the complainant was arrested for having an outstanding arrest warrant. The evidence shows that the search was conducted as an incident to the complainant's arrest and prior to his booking. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #7: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant alleges that the officers had continuously harassed him. The officers that were questioned about this allegation denied harassing the complainant. No witnesses came forward. The evidence is insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer failed to process the complainant's property.

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

FINDINGS OF FACT: The complainant alleges that the officer failed to process his property. The evidence shows that the officer, upon request, returned the complainant's property to Youth Guidance Center. The evidence proved that the act, which provided for the basis of the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #9: The officers intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant alleges that the officers committed unwarranted action by damaging his sunglasses during his arrest. The officers that were questioned about this allegation denied damaging the complainant's sunglasses. No witnesses came forward. The evidence is insufficient to either prove or disprove the allegations.

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SUMMARY OF ALLEGATION #10-11: The officers behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleges that the officers behaved inappropriately and/or made inappropriate comments by yelling at him, calling him names and telling him that he would lose his job. One officer stated that he yelled at the complainant because the complainant repeatedly refused to obey his commands. He denied making the other comments. The other officers that were questioned denied the allegation. No witnesses came forward. The evidence is insufficient to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he was eating lunch in a McDonald's restaurant talking to a woman he knew casually when two plainclothes officers entered the restaurant and detained and handcuffed this woman. The named officer ordered the complainant to stand, then grabbed and reached inside the complainant's pants pocket. The named officer removed the complainant's wallet and keys from his pocket and searched through his wallet. The woman the complainant had been talking to confirmed that the officer told the complainant to stand and searched him. The named officer's partner stated that he vaguely recalled them detaining a woman at the McDonald's, but did not recall the named officer interacting with anyone else in the restaurant. The named officer stated that he and the complainant, who he knew from past contacts, exchanged brief verbal greetings but he did not recall detaining or searching the complainant. The complainant made a contemporaneous statement about this incident to his work supervisor. A preponderance of the evidence established that the named officer detained the complainant without justification.

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

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

FINDINGS OF FACT: The complainant stated that he was eating lunch in a McDonald's restaurant talking to a woman he knew casually when two plainclothes officers entered the restaurant and detained and handcuffed this woman. The named officer ordered the complainant to stand, then grabbed and reached inside the complainant's pants pocket. The named officer removed the complainant's wallet and keys from his pocket and searched through his wallet. The woman the complainant had been talking to confirmed that the officer told the complainant to stand and searched him. The named officer's partner stated that he vaguely recalled them detaining a woman at the McDonald's, but did not recall the named officer interacting with anyone else in the restaurant. The named officer stated that he and the complainant, who he knew from past contacts, exchanged brief verbal greetings but he did not recall detaining or searching the complainant. The complainant made a contemporaneous statement about this incident to his work supervisor. A preponderance of the evidence established that the named officer detained the complainant without justification.

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

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

FINDINGS OF FACT: A woman who was present when the complainant was detained and searched stated that the named officer and his partner handcuffed her, transported her to the police station and held her there handcuffed to a railing until releasing her without giving her any documents. Department records established that the named officer and his partner detained, handcuffed and transported a woman from a McDonald's restaurant to the police station but that her detention was not documented in accordance with Department regulations.

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

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

FINDINGS OF FACT: The complainant's supervisor stated that after the complainant told her about his mistreatment by police, she telephoned the police station and spoke with an officer whose name she could not recall to report the incident. She was told that this officer, a female lieutenant, was the acting captain. This officer seemed uninterested in and dissuaded her from making a complaint. A female lieutenant who served as acting captain during the captain's absence stated that she had no recollection of speaking with the complainant's supervisor. There were no witnesses. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-3: The officers made forced entry into the complainant's residence without a legitimate reason.

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

FINDINGS OF FACT: The named members stated that the warrantless forced entry into the complainant's residence was made due to the exigent circumstances arising from the complainant's purported "violent crime spree." The evidence obtained by the OCC showed that the said "crime spree" was, in fact, a series of unsubstantiated tidbits of information regarding the complainant and spanning in the period of several months without clear indication of a criminal activity on the part of the complainant that might have necessitated an urgent warrantless police entry into her residence. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The named members stated that they arrested complainant for vandalizing the property of the residential hotel where she was staying. The statement from the hotel manager and physical evidence implicating the complainant in the alleged crime supported the officers' statements. Given the circumstances of the incident, the officers' decision to place the complainant under arrest was justified, lawful and proper.

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SUMMARY OF ALLEGATION #7: The officer failed to properly document the complainant's gender.

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

FINDINGS OF FACT: This complaint stated that the arresting officers entered a "wrong" gender in her arrest documentation. The complainant's Field Arrest Card indeed showed her gender erroneously circled as "male." All officers involved in the complainant's arrest as well as the supervising sergeant and the Station Keeper at the time of this incident denied filling out the complainant's arrest card. The Department does not have specific written guidelines as to who is required to prepare the arrest documentation. The available evidence was insufficient to name any specific member and to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: This complaint stated that several officers entered her room and made inappropriate comments towards her. The complainant could not provide additional descriptive information concerning the officer(s) who made the alleged comments. The members involved in the complainant's arrest denied making the alleged comments. The hotel manager who was present at the time could not recall the details of this incident. The available evidence was insufficient to name any specific officer and either prove or disprove the allegation.

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OCC ADDED ALLEGATION

SUMMARY OF ALLEGATION #1: The officer failed to follow the Department Policy on transporting females and transgender individuals.

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

FINDINGS OF FACT: While investigating this complaint, the OCC found that the officer who transported the complainant from the scene to the police station failed to enter the starting and ending mileage of the transport, as required by the Department guidelines. In his OCC interview, this officer could not recall the incident but maintained that he might have, in fact, notified the Communications of the starting and ending mileage but the dispatcher neglected to make the relevant entry in the documentation. The audio records of the incident provided to the OCC by the Emergency Communications Division showed that the transporting officer indeed failed to give the dispatcher required notification. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was arrested for no reason. The officers denied the allegation. The witnesses did not come forward. The officers had probable cause to arrest the complainant on an outstanding warrant.

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

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

FINDINGS OF FACT: The complainant said the officer searched him for no reason. The officer stated the complainant was searched incident to a lawful arrest.

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SUMMARY OF ALLEGATION #4-6: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated he had a stun gun with him at the time of the arrest but it was not returned to him and was not listed on the property receipt. The officers denied the allegation. The witnesses did not come forward. There were no other witnesses.

SUMMARY OF ALLEGATION #7-8: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that the officers have been harassing him since 2006 by always stopping him, calling him names, searching him and never fining anything on him. The officers denied the allegation. The witnesses did not come forward for an interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was wrongfully arrested for driving under the influence after being involved in a minor vehicle collision. The named officer stated that the other driver told him the complainant appeared to be under the influence, and that he observed the complainant's eyes were red and watery, that his speech was slow and he appeared to be unbalanced. The named officer said the complainant failed a field sobriety test and that he arrested the complainant for suspected driving under the influence of alcohol or an unknown substance. Communications records indicate that the other driver told the 911 operator that the complainant appeared to be intoxicated. A witness officer who responded to the collision scene said the complainant appeared to be staggering and could not stand up straight and was belligerent and cursing. Witness officers who had contact with the complainant at the police station and who transported him to the jail described him as being aggressive, uncooperative and verbally abusive. The complainant's jail medical records state that he denied use of any substance. They stated that the complainant was placed in a jail safety cell because he was combative, screaming, unable to follow directions and threatened several individuals at the county jail. A test of the complainant's blood failed to reveal the presence of alcohol or volatiles. The other driver failed to respond to OCC requests for an interview. No other witnesses were identified. The evidence established that the complainant exhibited behavior that would cause a reasonable police officer to conclude he was under the influence and that therefore the action complained of was proper.

SUMMARY OF ALLEGATION #2: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that he was transported to the police station after being arrested for driving under the influence. While at the station, officers twisted his hand behind his back and repeatedly threw him to the floor, the walls and a desk, among other objects, causing a broken hand, thumb and ankle. The complainant could not describe the officers who used force. The officer who arrested the complainant, the officer who transported him to the station and an officer who helped escort him inside the station said the complainant appeared to be under the influence and was belligerent and uncooperative. They denied that the complainant was ever taken to the floor or thrown into walls or other objects. They said the complainant pulled against his handcuffs, causing a slight laceration to one wrist.

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The complainant's jail medical records state that the complainant claimed his hand was broken. The complainant's left hand had an abrasion/laceration along the wrist. It also had some swelling and redness that appeared to have been caused by old injuries. The complainant was placed in a jail safety cell because he was combative screaming and threatening other individuals. The complainant's personal physician failed to respond to a request, accompanied by a signed medical release, for records of examination and treatment related to the injuries the complainant claimed he received during this incident. There is insufficient evidence to identify the named officers or 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 displayed threatening and intimidating behavior.

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

FINDINGS OF FACT: The officer denied the allegation. The officer denied yelling at the complainant regarding contact information for damaged property. The officer said he never yelled or raised his voice at an involved party during the interview. The officer stated he told the complainant to walk away when he interfered with his investigation. The named officer also said he advised the complainant that he would be arrested if he continued to interfere with his investigation. All three witness officers denied the named officer yelled at the complainant, rather the officer was professional and authoritative during the incident. One witness said the named officer was very aggressive. The second witness said the named officer was yelling at the involved party and he then observed the named officer having a discussion with the complainant. The third witness stated she stood 10 feet away from the named officer, the involved party, and the complainant. The third witness said she never heard an officer threaten the complainant and she appreciated the officers that helped them out during the incident. The third witness stated the complainant refused to leave the area, started yelling and became belligerent with the officers. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/08/08 **DATE OF COMPLETION:** 12/07/08 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The named officer stated the complainant interrupted his investigation over and over again while interviewing an involved party of an incident during a volatile situation involving union members. The officer said the complainant approached the involved female, spoke in Spanish solely to her and completely ignored his presence. The officer stated he had yet to determine whether the involved party was the victim or the suspect. The named officer said he was unaware if the complainant was intimidating, threatening, or coercing the involved party during his interview. The officer said he made three attempts to get the complainant to walk away while conducting his interview. The named officer stated the complainant walked away and returned again to interrupt his concluding interview by speaking Spanish and engaging the involved female.

The three witness officers corroborated they observed the complainant intervene and disrupted the named officer's interview with a witness. The three witness officers corroborated they heard the officer repeat his advisement to the complainant that he was interfering with his investigation. Two of the witnesses stated they didn't believe the complainant was interfering with the investigation as he was just trying to translate for the involved party. The other witness stated the complainant refused to leave the area, started yelling and became belligerent. The other witness further relayed the complainant interfered with the officer's investigation, was uncooperative and was way over his boundaries. 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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DATE OF COMPLAINT: 04/08/08 **DATE OF COMPLETION:** 12/07/08 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer pat/arrest searched the complainant without cause.

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

FINDINGS OF FACT: The named officer stated the complainant was arrested for interfering with his investigation, handcuffed, pat searched and placed in the patrol car. The officer said the complainant informed him he did not have identification. During the pat search, the named officer located the complainant's driver's license. The officer said the complainant was subsequently cited and released.

Two witness and all three witness officers corroborated the named officer pat searched the complainant prior to placing him into the patrol car. SFPD Booking and Detention Manual states the arresting officer shall conduct a field arrest search of the arrestee at the time of the arrest and prior to placing an arrestee into a patrol car. The officer had cause to remove the complainants' driver's license for proper identification for the arrest. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/31/08 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer did not properly investigate the traffic collision. The complainant stated the witnesses' statements were not accurate, detailed and thorough. The complainant further stated the officer should not have determined that the accident was his fault. The complainant said the officer completed and reviewed his own collision report for appropriateness and completeness. The complainant admitted he did not recall what occurred in the actual traffic collision and has no memories of it. The officer stated he fully investigated the accident. The officer stated the report was accurate and complete. The officer stated all parties and witnesses were interviewed and property damages noted. The officer stated he was the Acting Sergeant of the Traffic Company and had the duty and responsibility to complete and review the accident report accordingly. The witnesses confirmed the officers at the scene interviewed them and that the complainant rode his motorcycle in an unsafe speed and manner in CA Vehicle Code violation 22350. 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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DATE OF COMPLAINT: 02/26/08 **DATE OF COMPLETION:** 12/29/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The OCC case originated as a result of the complainant filing a claim with the Controller's office and that claim being referred to OCC for investigation. The case in which the complainant's property was seized is an ongoing homicide investigation, and this property is needed during investigation. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/07/08 **DATE OF COMPLETION:** 12/23/08 **PAGE#** 1 of 2

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 he and several other young men were standing near the entrance to a park when gunshots were fired nearby. Soon afterwards, two men in a car, who the complainant later realized were plainclothes officers he had encountered before on multiple occasions, pulled up. Fearing that the occupants of the car might be assailants, the complainant ran into the park, pursued by several officers, including the two plainclothes officers. The complainant threw a handgun he was carrying into some bushes, then stopped. The named officer, one of the plainclothes officers who pursued the complainant, kned the complainant in the head several times after he was handcuffed, inflicting an abrasion on the complainant's forehead. The named officer said he chased the complainant and saw him hide a firearm in some bushes. The complainant refused his order to get on the ground, so he used a bar arm takedown on the complainant, which caused the abrasion to the complainant's forehead. Witness officers stated they did not see the named officer use the force described by the complainant. No civilian witnesses were present. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used inappropriate language to the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officer used profanity to him following a foot pursuit. The named officer denied using profanity. Witness officers stated they did not hear an officer at the scene use profanity. No civilian witnesses were present. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer used inappropriate language to the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officer used profanity to him following a foot pursuit. The named officer denied using profanity. Witness officers stated they did not hear an officer at the scene use profanity. No civilian witnesses were present. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used inappropriate language to the complainant.

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

FINDINGS OF FACT: The complainant stated that an officer used profanity to him after he vomited on the floor at the police station because she had to clean it up. The description the complainant provided matched that of the named officer, who was the Station Keeper at the time the complainant was at the station, and who recalled having to clean up prisoners' vomit during that shift. In her written Member Response Form, the named officer stated that she did not recall what she said to the complainant or what tone of voice she used and did not know if anyone at the station used profanity to the complainant, but did not directly address a question of whether she used profanity. A witness officer said he did not recall being present when the complainant had any interaction with the named officer. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 04/11/08 **DATE OF COMPLETION:** 12/07/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officers arrested him without probable cause in front of a local club. The complainant denied he drank to excess. The complainant stated he sought a refund from the club when they would not admit his friends. A witness to the incident explained the complainant was drunk and had two minor friends accompanying him. When the minors were denied admission, the complainant sought and was denied a club refund. The Office of Citizen Complaints learned the club prominently posts signs outside its premises, informing guests that it does not provide refunds. The complainant became angered at this policy and began acting out. Club management summoned the police. The witness stated the officers sought to detain the complainant. When police detained the complainant, the latter allegedly “took a swing” at an officer. The officers stated they arrived at the scene and found the complainant intoxicated and angry he was denied club admission, along with a refund. The officers sought to detain the complainant based on his condition, but when they started to handcuff him, the complainant kicked one of the detaining officers. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated a single officer struck him repeatedly with a closed fist while he was handcuffed and hobbled. The complainant stated the officers attempted to take him into custody at the scene, but admitted resisting. The witness said the complainant tried to take a “swing” at one of the officers. Responding officers stated they attempted to gain custody of the complainant through handcuffing, but the complainant kicked one of them and they fell to the ground. The officers called for backup. Several officers held the complainant down as they sought to gain physical control of the complainant. The complainant continued to kick at the officers. One of the officers struck the complainant twice in the face with a closed fist to accomplish compliance and reported this use of force. The witness did not offer a complete statement regarding the entire incident. The complainant did not report any other officers striking him. The attending nurse practitioner stated the complainant was struck “several times,”

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FINDINGS OF FACT CONTINUED: but noted that the complainant was not examined by a physician at the Emergency Room. She stated that an expert witness would have to review the complainant's records to determine whether the complainant had been struck more than twice, the number of times reported by the named officer. The officer denied striking the complainant while he was handcuffed or hobbled. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #4-7: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant alleged the officers observed one of their fellow officers use unnecessary force when he was taken into custody, and subsequently fail to take affirmative steps to stop the use of unnecessary force. The witness did not offer a complete statement regarding the entire incident. The officers denied the allegation. They stated the complainant kicked the arresting officer with heavy boots, had to have his boots removed, and be hobbled to prevent further harm to officers. The complainant admitted not complaining of pain or injury at the scene, less than a block from the police station. Officers transported him to the police station, where paramedics were summoned to tend to his injuries. The paramedics then transported him to the hospital. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation made by the complainant.

SUMMARY OF ALLEGATION #9: 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 an officer made inappropriate statements and acted in an inappropriate manner, laughing at him while he was being processed at a police station. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made by the complainant.

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DATE OF COMPLAINT: 02/15/07 **DATE OF COMPLETION:** 12/17/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officers at the scene either denied the allegation or did not recall the incident. The complainant and witnesses did not respond to the Office of Citizen Complaints requests for interviews. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #2: The officer used sexually demeaning language.

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

FINDINGS OF FACT: The officers at the scene either denied the allegation or did not recall the incident. The complainant and witnesses did not respond to the Office of Citizen Complaints requests for interviews. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officers at the scene either denied the allegation or did not recall the incident. The complainant and witnesses did not respond to the Office of Citizen Complaints requests for interviews. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 04/17/08 **DATE OF COMPLETION:** 12/07/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officers refused to take incident reports.

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

FINDINGS OF FACT: The complainant has been trying to report elder abuse but police officers refuse to take his reports. The officers denied the allegation. The witness elaborated that what she was reporting as elder abuse was the poor living conditions in Housing Authority property. Poor living conditions at Housing Authority property do not per se constitute a crime. Three other witnesses did not come forward for an interview. This type of complaint does not fall under the police department's jurisdiction.

SUMMARY OF ALLEGATION # 2: The officer refused to take incident reports.

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

FINDINGS OF FACT: The complainant stated that the officer refused to take reports of other crimes in the building. The officer denied the allegation. During his OCC interview the officer brought three reports that he took from the complainant and witnesses regarding other crimes.

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

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

FINDINGS OF FACT: The complainant stated the officer threatened him and told him not to call the police again. The officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said the officer stopped him for having his headlights out but the complainant said he did not have the lights on. The officer denied the allegation. The witness did not recall if the complainant had his lights on or not but only recalled that it was still daylight. There is insufficient evidence to prove or disprove that there was or wasn't an electrical or mechanical problem resulting in a traffic stop.

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

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

FINDINGS OF FACT: The complainant said the officer cited him for faulty equipment even though he did not have his lights on at the time. The complainant took a photograph of both headlights and both were in working order at the time. The officer denied the allegation. There is insufficient evidence to prove or disprove that the lights on the photo are the headlamps and not the high beams, and that there was or wasn't an electrical or mechanical problem resulting in the citation.

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SUMMARY OF ALLEGATIONS #3: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant said that the officer profiled him due to his race. The complainant said that there were other drivers with no lights on but the officer did not stop them. The officer denied the allegation. The witness, also African American, said that the complainant came to ask him for his name and number because he felt that they were being discriminated. The witness said he was pulled over by a different officer and was cited for a faulty break light, which was the case for him. There is insufficient evidence to determine that this officer engaged in racial profiling because the officer's Traffic Stop Data Collection Worksheet does not exist.

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

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

FINDINGS OF FACT: There is no Traffic Stop Data Collection Worksheet for the officer for the date of the incident. The officer stated he made an entry on the worksheet and then turned it in to his supervisor. The officer stated that at the time he was not required to make an entry into the ICAD because there was one person at Traffic Company assigned to make the entries. Only recently like two months ago Traffic Company officers were instructed to make their own entries into the ICAD. It is more likely than not that the officer did not complete the Traffic Stop Data Collection Worksheet because there is no copy of the worksheet at Traffic Company, which is a requirement per DB 07-049.

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SUMMARY OF ALLEGATION #1: The officer displayed an intimidating manner.

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer used profanity in speaking to the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged the officers detained him without justification as he crossed a busy intersection. The complainant stated an officer from a different jurisdiction had ordered him out of the street, but did so in a profane and inappropriate manner. The complainant said he complied with the officer's orders, but he admitted being angry at the officer and sought to confront him. The complainant also admitted consuming alcohol prior to the contact. The first named SFPD officer observed the complainant's conduct and had reasonable suspicion to detain the complainant. This officer smelled alcohol on the complainant's breath and detained him for being drunk in public. When this first officer had difficulty detaining the complainant, he called for assistance. The second named officer came to assist the officer, and helped the first officer accomplish the detention. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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

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

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

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

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

FINDINGS OF FACT: The complainant alleged the officer used a chokehold on him during his detention. The complainant said he had complied with the orders of an officer from a different jurisdiction to get on the curb at a busy intersection. The complainant stated the latter officer's orders contained profane and inappropriate language. The complainant said he was angry at the officer and sought to confront him. The complainant said the named SFPD officer ordered him to move on. The complainant failed to comply with this order. The complainant stated the officer grabbed him by the throat and took him to the ground. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged the officer failed to disclose the nature of what occurred during his detention, including the officer's use of force and his request for medical attention. The officer denied the allegation, stating he did not use reportable force during the incident being complained of. The officer denied the report was incomplete or inaccurate, by a preponderance of the evidence. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #6-9: The officers failed to provide medical attention.

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

FINDINGS OF FACT: The complainant alleged he requested medical attention during the incident. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #10: The officer failed to provide medical attention.

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

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

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DATE OF COMPLAINT: 05/04/07 **DATE OF COMPLETION:** 12/11/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant admitted doing that for which he was cited.

SUMMARY OF ALLEGATION #2: The officer acted and spoke inappropriately during this incident.

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

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

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

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

FINDINGS OF FACT: The complainant alleged the officer detained him regarding a court ordered stay away order. In his taped OCC interview, the complainant told the OCC investigator a judge issued him a stay away order for a specific part of San Francisco. The complainant later admitted to being at a location within the area covered by the stay away order. 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 arrested the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged the officer arrested him without justification. The complainant also admitted he was in the company of an individual known to the police as a narcotics dealer while loitering in an area known for the illegal trafficking of prescription drugs. He further stated that the substances he had in his possession were prescription medications not in their original dispensary vials. In the second arrest, the complainant admitted he had been served with a stay away order from a specific area. The complainant said he had been on a specific block but denied it was within the area covered by the stay away order. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged he had a medical condition requiring prescription medication and the officer should have held the medication as evidence for safekeeping. The complainant said he had a condition requiring an inhaler and the officer confiscated it. The officer denied the allegation. The officer performed routine medical screening on the prisoner. He asked the complainant if he had trouble breathing, if he needed any prescriptions within the next four hours or if he needed immediate medical attention. The complainant denied needing having any medical problems or having trouble breathing. The officer appropriately confiscated the complainant's inhaler and noted its existence in the complainant's property slip, which was signed off by the complainant. The complainant stated that when he was incarcerated, the County Jail medical staff provided him medication for a different medical condition, but he did not discuss the condition or the medication requiring the inhaler. 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 #4: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant alleged the officer engaged in a pattern of harassment. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer used profanity.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was detained without justification. The complainant stated his vehicle's rear license plate lamp was working properly. The complainant said he was aware he was on parole. The complainant consented for the officers to search him and his car. The officers stated they detained the complainant, because they noticed the complainant's vehicle had a non-working rear license plate lamp. The officers conducted a traffic stop and said the complainant agreed to have his car searched by them. The witness could not be located for a statement. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/08/08 **DATE OF COMPLETION:** 12/02/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION 1: The officer entered the complainant's home without cause.

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

FINDINGS OF FACT: The officer had a warrant. The entry was justified, lawful and proper.

SUMMARY OF ALLEGATIONS 2 and 3: The officers used unnecessary force.

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

FINDINGS OF FACT: The named member denied the allegation. All other officers at the scene denied the allegation. None of the witnesses at the house at the time of the warrant execution responded to the Office of Citizen Complaints request for an interview. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION 4: The officer used profanity.

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

FINDINGS OF FACT: The named member denied the allegation. Officers at the scene denied hearing the named member use profanity. None of the witnesses at the house at the time of the warrant execution responded to the Office of Citizen Complaints request for an interview. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION 5: The officers made inappropriate comments.

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

FINDINGS OF FACT: The named member denied the allegation. Officers at the scene denied making or hearing the alleged comment. None of the witnesses at the house at the time of the warrant execution responded to the Office Citizen Complaints request for an interview. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: In his recorded OCC interview, the complainant admitted becoming exasperated with the officers during their contact. The complainant admitted making statements such as “Why don’t you blow my head off.” The complainant also admitted making sudden motions, including suddenly taking his jacket off and throwing it on the ground. The officers, for all parties’ safety, sought to handcuff the complainant. Based on the complainant’s admissions regarding his sudden motions and verbosity, the officers appropriately handcuffed the complainant during their investigation. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officers arrested him for Sec. 148 P.C. without probable cause. The complainant admitted to the OCC he was jaywalking when officers initially detained him. This CVC violation appropriately drew the attention of the officers. The officers appropriately detained the complainant and began an investigation. The officers ordered the complainant to sit on the curb. The officers had additionally observed suspicious behavior following the initial CVC violation and sought to follow up. The contact between the complainant and the officers deteriorated during the investigation. During his OCC interview, the complainant admitted becoming exasperated. The complainant admitted he made sudden movements, coupled with an elevated tone of voice. This escalated the contact and one of the officers ordered the complainant to the ground and handcuffed him. The complainant alleged the officers lacked probable cause to arrest him for resisting or delaying their investigation. The officers correctly concluded the complainant sought to delay their investigation. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #6: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officer unnecessarily placed his boot and the remainder of his body on his neck to hold him down. The complainant denied resisting arrest and said he complied with the officer's orders. He alleged this constituted unnecessary force. The officer stated he was in full uniform and utilized his body weight to hold down the complainant to dissuade him from trying to break away from his control. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #6-7: The officers made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: One of the officers denied the allegation. The other officer stated that he was unable to have any conversation with the complainant because of the complainant's behavior. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The police report documents that the complainant was arrested for his involvement in a buy bust operation. The report documents that the complainant resisted officers attempt to take him into custody. The report further documents that the complainant was taken to the ground striking his head during his resisting arrest. The injury that the complainant sustained is documented in the police report and an entry was made in the use of force log. Attempts to contact the complainant and his attorney have not been responded to.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

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

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

FINDINGS OF FACT: The sergeant denied the allegation. The sergeant stated he observed the complainant at 3:30 am in the morning, walking in an area of the Richmond district that was experiencing an increase in auto boost crimes. The sergeant stated he observed the complainant walking slowly on a sidewalk peering into parked and unattended cars. The sergeant observed the complainant for about half an hour on at least eight different streets, and saw the complainant try the door handles of a few cars but never saw him make entry into any cars. The sergeant said he lost sight of the complainant for a while, then observed him now carrying a long cardboard tube object that the complainant did not have in his possession earlier. The sergeant stated he followed the complainant until he saw him get into a van.

The sergeant stated he made contact with the complainant, requested he exit his van and conducted an investigation of a possible auto boost. The sergeant said the complainant was detained for no longer than ten minutes. During that time, the sergeant stated he identified the complainant, ran him for warrants/parole/probation check and then admonished the complainant for an observed violation of 97(b) MPC-Sleeping in a vehicle. According to DGO 5.03, an officer may briefly detain a person for questioning or request identification only if he has a reasonable suspicion that the person's behavior is related to criminal activity. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer displayed a firearm without justification.

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

FINDINGS OF FACT: The sergeant denied the allegation. The sergeant stated that neither he nor his assisting officer had their guns drawn on the complainant. The sergeant said his demeanor was calm and professional. The sergeant stated the complainant was hostile initially, and then began to state incoherent and random phrases and quotes. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the named officer used profanity during their contact. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers made inappropriate comments to the complainant during their contact with her and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated two plain clothes officers who pulled her over for a traffic stop made inappropriate remarks and acted in an inappropriate way throughout the course of their contact with her. One of the officers screamed for her driver's license and called her a dealer when he found prescription medication in her purse. The officers arrested the complainant on narcotics related charges and had her transported to a local police station. When the complainant fell ill at the station, paramedics transported the complainant to San Francisco General Hospital. The complainant alleged both officers kept looking in on her during her treatment phase, making inappropriate comments and laughing at her. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #4-5: The officers conducted an improper traffic stop and arrest.

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

FINDINGS OF FACT: The complainant stated the officers in an unmarked vehicle had been following her for several blocks before they stopped her. She stated they stopped her in their unmarked vehicle. The complainant stated the officers pulled her over because they knew her to be driving on a suspended license. The officers stated that they observed the complainant failed to comply with the traffic laws and had prior contacts with the complainant. The complainant admitted to the Office of Citizen Complaints she was driving with a suspended license. The complainant stated a second unmarked car and a marked unit arrived on scene at the same time or immediately afterward. Computer aided dispatch showed a marked unit arrived on scene. Based on the complainant's admissions, officers conducted an inventory search of the complainant's vehicle and found currency in small denominations, along with prescription medication not stored in a dispensary-issued vial. 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 #6-7: The officers failed to provide the complainant with medical treatment.

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

FINDINGS OF FACT: The complainant stated two plain clothes officers failed to provide her with medical treatment when she fell ill at a local police station. The complainant alleged her complaints of illness were ignored until she spoke to an officer who was not the station keeper or an arresting officer. Department records indicate the officer, as described by the complainant to the OCC, summoned the ambulance to the station. However, the same department records also indicate the ambulance was summoned within 3.5 minutes from the time the complainant was clocked into the police station. The named officers denied the allegation that they failed to provide medical attention, saying an ambulance was immediately summoned to the station upon the complainant's requests for medical attention. One officer said the complainant spoke to the station keeper. The other officer denied any recollection as to how an ambulance was summoned, claiming an ambulance was summoned in a prompt fashion. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #8-9: The officers failed to take required action.

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

FINDINGS OF FACT: The officers arrested the complainant in front of her residence. The complainant alleged the officers arrested her in front of her juvenile granddaughter for whom she is the legal guardian and subsequent to her arrest, the juvenile became destabilized alone with her newborn and ran away. Under current Department Policy, officers are required to take appropriate measures for juveniles under Bulletin 07-001, Children of Arrested Parents. The complainant's granddaughter was unavailable for interview. The Office of Citizen Complaints attempted to follow up through another government agency, but was unsuccessful, due to confidentiality issues. One officer denied there were any juveniles at the scene. The other officer documented that he saw an unidentified adult female at the scene, but denied seeing any juveniles. No witnesses came forward. There was insufficient evidence to 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 arrested the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant drove a vehicle into the street without a California driver's license and caused a vehicle collision, in violation of California Vehicle Code sections 12500A and 21801D, respectively. He was placed under arrest for these violations, as allowed by law. 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 co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant was lawfully arrested. Handcuffing is proper in this circumstance, and taught in the Police Academy as required before placing a person under arrest in a police vehicle. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #3: The officer towed the complainant's vehicle.

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

FINDINGS OF FACT: The unlicensed driver stated that the vehicle was towed by the police for no reason. The California Vehicle Code allows and San Francisco Police Department STOP program requires that the vehicle driven by an unlicensed driver be towed. 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 & #5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainants felt that the other driver should have been arrested for yelling at the police officer. There is no requirement that police officers take action, such as citing or arresting, for the activity described by the complainants. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper

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SUMMARY OF ALLEGATION #6: The officer spoke rudely to the complainants.

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

FINDINGS OF FACT: The officer denied this allegation. The witness officer stated that the officer did not speak rudely. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer failed to provide accurate information to the complainants about how to recover the vehicle.

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

FINDINGS OF FACT: The officers stated that the officer provided accurate information to the complainants. 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(s) detained the complainant without cause.

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

FINDINGS OF FACT: The complainant admitted to being intoxicated at the scene.

SUMMARY OF ALLEGATION #2: The officer applied handcuffs too tightly on the complainant.

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

FINDINGS OF FACT: The investigation was unable to disclose the identity of the officer. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The investigation was unable to disclose the identity of the officer. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers did not allow him to call an attorney or to call a doctor. The investigation was unable to disclose the identity of the officer. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer(s) behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer(s) laughed at him. The investigation was unable to disclose the identity of the officer. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant requested his complaint be held in suspense until his criminal charges were adjudicated, which occurred on April 24, 2008. The complainant has failed to respond to contact attempts since that date. An investigation was not conducted.

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

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

FINDINGS OF FACT: The complainant requested his complaint be held in suspense until his criminal charges were adjudicated, which occurred on April 24, 2008. The complainant has failed to respond to contact attempts since that date. An investigation was not conducted.

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SUMMARY OF ALLEGATION #5: The officer failed to prepare an accurate incident report.

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

FINDINGS OF FACT: The complainant requested his complaint be held in suspense until his criminal charges were adjudicated, which occurred on April 24, 2008. The complainant has failed to respond to contact attempts since that date. An investigation was not conducted.

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:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer stated he cited the complainant for failing to stop at a stop sign and for failing to provide proof of insurance. The complainant and his brother-in-law denied that the complainant failed to stop at a stop sign. The complainant admitted that he failed to provide proof of insurance. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleges that the officer behaved inappropriately during the contact. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers detained the complainant pursuant to a narcotics investigation. The supervising officer stated they had a search warrant for the complainant, her husband, her vehicle and her two residences. The search warrant was valid. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The officer arrested the complainant when, during a valid search of her residence, the officer found illegal narcotics, paraphernalia and large amounts of cash. The officer had a valid search warrant to search the complainant's residence. The officer's conduct was proper.

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SUMMARY OF ALLEGATION #4: The complainant was strip searched without cause.

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

FINDINGS OF FACT: The officer had a valid search warrant to strip search the complainant. The officer's conduct was proper.

SUMMARY OF ALLEGATION #5: The officer threatened the complainant and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated an officer threatened to punch her. The officer also told the complainant she would not be arrested if she provided information on drug dealers. The officer denied threatening to punch her. Seven officers at the scene also stated the officer did not threaten to punch the complainant. The officer stated he spoke with the complainant about cooperating with the police and told her he would speak to the district attorney about her charges. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer made a sexually derogatory comment.

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

FINDINGS OF FACT: The complainant stated when she was initially detained, an officer called her a sexual slur. Each of the four officers who were at the scene of the complainant's detention denied making a sexual slur. They also denied hearing another officer make a sexual slur. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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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 and co-complainant alleged the officers sought to arrest the complainant on a rescinded warrant. The officers denied the allegation. They stated that once they arrived at the complainant's residence, the complainant asked if he could show them documentation issued to him by the San Francisco Superior Court. The documentation demonstrated the complainant had a scheduled court date associated with the court case number on the arrest warrant held by the officers. The officers allowed the complainant to show them the document and the officers noted the document appeared authentic. The officers called dispatch and verified that the warrant had been rescinded. 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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SUMMARY OF ALLEGATION #1: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant told the OCC he saw a police vehicle with its emergency lights illuminated. He heard the vehicle's siren activated as well. During that time, the complainant alleged the occupying officer of the vehicle nearly ran him down in a crosswalk. The complainant told the OCC the officer should have told him what justified his driving. The officer subsequently detained the complainant for failure to yield to an emergency vehicle and asked him for identification. The complainant said he demanded to know the officer's business. The officer explained he and his partner were responding on an emergency basis to a high priority sexual assault case. The complainant told the officer and the OCC he did not accept this account of the officer, saying the officers had abused their red lights and siren out of convenience. The complainant demanded to know why as a pedestrian he was legally required to produce his drivers license to a peace officer. The officer told him the law required him to produce identification based on a reasonable suspicion of a violation. The complainant demanded that the officer show him a copy of the precise legal citation. The officer was not required to provide the complainant with the legal citation, only with a general explanation of the detention. The complainant admitted he had received this information from 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 cited the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged the officer cited him without justification. The officer cited the complainant based on California Vehicle Code Section 21807, failure to yield to an emergency vehicle. The complainant admitted being in a crosswalk when a police vehicle had its red light bar illuminated and its siren sounding. However, the complainant denied that he failed to yield. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer acted and spoke to the complainant inappropriately.

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

FINDINGS OF FACT: The officer denied this allegation. The officer's partner corroborated the officer's statement. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied this allegation, saying that he did not use force, but merely guided the complainant out of the street to a place of safety on the sidewalk. The officer's partner corroborated the officer's statement. 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 failed to prepare an incident report.

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

FINDINGS OF FACT: The complainant stated he was assaulted by an unknown male assailant. The officer arrived at the scene in response to threats inside a store and a trespasser. Upon his arrival, he found the complainant, lying on the sidewalk, with a bleeding cut to his forehead. The complainant was drunk and belligerent. An ambulance responded to the scene and the complainant refused to cooperate with the paramedics. The officer convinced the complainant to ride with him in his department issued vehicle to the hospital. The officer spoke to staff at the store, dealt with the paramedics and the complainant and spent over an hour investigating a suspicious occurrence that should have been documented in a report. A preponderance of the evidence proved the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated he was wearing his seat belt when the officer stopped him and issued a citation without cause. The officer denied the allegation. There were no witnesses on scene at the time the traffic stop was affected to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made a selective enforcement.

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

FINDINGS OF FACT: The complainant stated the officer makes selective enforcement against people of color and suggested the officer's co-workers would substantiate the allegation. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation that the officer was specifically selective in his traffic enforcement against the complainant.

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SUMMARY OF ALLEGATION #3: The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate remarks during the traffic stop. The officer denied the allegation. A witness on scene stated he was unable to hear their conversation to either prove or disprove the 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: The officer cited the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that she was wrongfully cited for failing to stop at a red light. The complainant's daughter, who was a passenger in the car, stated that the complainant stopped at the red light for several seconds before making a right turn. The complainant's daughter stated that she was anxious about being late to work and was looking at her watch constantly. The named officer stated that he cited the complainant after observing her make a right turn without stopping for the red light. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer exhibited a rude manner.

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

FINDINGS OF FACT: The complainant stated that the officer who issued the citation exhibited a rude manner. The officer denied speaking in a rude manner and denied making a sarcastic comment attributed to him by the complainant. The name officer told OCC that he made an audio recording of his interaction with the complainant using his personal digital audio recorder, and provided the OCC with an audio cassette tape copied from his digital recording. The named officer is not heard on this recording making the sarcastic comment attributed to him by the complainant. The complainant listened to this audio recording and stated that she thinks part of the conversation has been omitted from the recording. There were no witnesses to the complainant's interaction with the officer. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/08 **DATE OF COMPLETION:** 12/29/08 **PAGE# 2 of 2**

OCC ADDED ALLEGATIONS:

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

CATEGORY OF CONDUCT: ND

FINDING: S

DEPT. ACTION:

FINDINGS OF FACT: Department records establish that the named officer failed to log his traffic stop of the complainant and three other traffic stops in his Traffic Stop Data Collection Worksheet, as required by Department regulations.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT:

FINDING:

DEPT. ACTION:

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/08 **DATE OF COMPLETION:** 12/12/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 10, 2008.

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

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 December 10, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/08/07 **DATE OF COMPLETION:** 12/11/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant received a traffic citation without cause.

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

FINDINGS OF FACT: There is probable cause for the citation to have been written, as the preponderance of the evidence shows that the vehicle the complainant was driving had license plates with an expired registration sticker. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/15/07 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer racially profiled the complainant.

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

FINDINGS OF FACT: The complainant accused the officer of racial profiling because the officer advised him “ It is illegal to batter your spouse or person you are dating in this country” and assumed he was not born in the United States. The complainant admitted during his OCC interview that he is from the Middle East but the officer had no way of knowing that fact for sure. The officer interviewed the complainant’s domestic partner (as part of her duties as a Domestic Violence Inspector) when she filed charges against the complainant for domestic violence. The officer would have received the complainant’s background information from his domestic partner. There were no witnesses to the conversation between the complainant and the officer. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer threatened to arrest him for no reason. The officer stated she advised the complainant that if after reviewing his report there was enough incriminating evidence contained in the report, that he might be arrested. There were no witnesses to the conversation between the complainant and the officer. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/07 **DATE OF COMPLETION:** 12/19/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant acknowledges that her vehicle was inoperable and that she was seated behind the wheel of the vehicle. The officers observed the complainant seated behind the wheel of the vehicle with the key in the ignition and observed that the vehicle had expired registration. The officers detained the complainant pending their investigation and their decision to tow the vehicle.

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

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

FINDINGS OF FACT: The complainant alleged that the searching officer inappropriately touched her private parts during the search. The officer and his supervisor denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/07 **DATE OF COMPLETION:** 12/19/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4: The officer used profane and uncivil language

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

FINDINGS OF FACT: The complainant alleged that the officer used profane and uncivil language. The officer and his supervisor denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5-6: The officers towed the complainant's vehicle.

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

FINDINGS OF FACT: The complainant acknowledges that her vehicle was inoperable and that she was seated behind the wheel of the vehicle. The officers observed the complainant behind the wheel of the vehicle and observed the vehicle had expired registration. The officers had the vehicle towed per CVC code section 4000a. The officer's actions were proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/08 **DATE OF COMPLETION:** 12/23/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers towed a vehicle without justification.

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

FINDINGS OF FACT: The complainant alleges that her brother's car was legally parked when it was towed. The incident report indicates that the vehicle was towed for being a traffic hazard. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complainant alleges that the officers harassed her brother. Records indicate that the officers were conducting an investigation when they made contact with the complainant's brother. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/08 **DATE OF COMPLETION:** 12/12/08 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: CRD **FINDING DEPT.** NF/W **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: 07/30/08 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officer(s) made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The named officer denied the allegation. Though the officer affirmed the dispatch record indicates he transported the complainant, the officer stated he did not recall the complainant or have any contact with the complainant. The partner officer said he did not recall the complainant or the incident. The arresting officer denied making or hearing any officer make derogatory remarks to the complainant. The station keeper denied making or hearing any officer make derogatory remarks to the complainant. A witness denied hearing any derogatory statements about the complainant from any police officers at the scene. OCC investigation revealed the other involved officers did not meet the physical description presented by the complainant regarding the officers involved in the alleged comments. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #3-4: The officer(s) failed to provide medical attention to the complainant

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

FINDINGS OF FACT: The named officer denied the allegation. The officer stated an ambulance was requested for the injured store employee/victim. The officer said the injured employee sustained the injury from being cut with a knife by the complainant. The named officer said the paramedics treated and transported the injured victim to the hospital. The officer said the complainant never advised him of any complaint of pain nor did the complainant appear to be injured. Both assisting officers stated they did not recall the incident or the complainant.

The witness stated the complainant had no injuries from the incident at all; no bleeding, no bruises. The witness said the ambulance arrived and took his employee to the hospital. He denied hearing any officer tell the paramedics to not treat the complainant. The witness said the complainant did not complain of pain or injuries during the incident. The witness relayed the ambulance was present and would have treated the complainant if he had been injured.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/08 **DATE OF COMPLETION:** 12/20/08 **PAGE# 2 of 2**
Summary of Allegation #2 (Continued)

The complainant admitted he was responsible for the employee sustaining cuts on his arm. The complainant advised OCC he did not seek medical attention for his alleged injuries. OCC investigation revealed the other involved officers did not meet the physical description presented by the complainant regarding the officers involved in the allegation. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #5-6: The officers failed to properly care for the complainant while in custody.

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

FINDINGS OF FACT: The officers denied the allegation. The arresting officer stated he was unaware that the complainant had defecated on himself during the incident. The arresting officer said the complainant did not advise him of the mishap nor did the complainant express a need to cleanse himself. Witness officers said they did not recall the complainant or the incident.

The station keeper stated she was not made aware that the complainant had defecated on himself during the incident. The officer denied that the complainant advised her he had soiled himself during the incident or that the complainant requested an opportunity to clean himself. The station keeper said she is unaware of any procedure or policy that allows arrestees an opportunity to cleanse their body of feces or that allows arrestees to change into clean clothing.

The OCC investigation could not locate any policy or procedure that addressed this issue. The booking and detention manual states that toilets, washbasins and drinking fountains shall function properly and that holding cells must be maintained in a sanitary condition. In the interest of proper hygiene and maintaining holding cells in a sanitary condition, the Department may need to provide direction and/or policy that allows prisoners an opportunity to cleanse themselves and/or dispose of clothing that could be unsanitary and offensive to themselves and others. There are health concerns to consider from failing to remove the presence of feces on a human's body.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/08 **DATE OF COMPLETION:** 12/03/08 **PAGE#** 1 of 1

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 used force on the complainant.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT
(AMENDED 01-12-09)**

DATE OF COMPLAINT: 08/08/08 **DATE OF COMPLETION:** 12/29/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officers drew their weapons without cause.

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

FINDINGS OF FACT: The complainant said that a co-worker saw one officer draw his weapon and pointed it towards the complainant during the traffic stop. The officers stated they activated lights and sirens and saw the complainant moving to the right for the traffic stop when he made an unexpected U Turn instead, facing their direction. At that moment, the officers feared for their safety and drew their weapons. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was cited for failing to stop at a stop sign, which he is uncertain that he failed to stop. The officers 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
(AMENDED 01-12-09)**

DATE OF COMPLAINT: 08/08/08 **DATE OF COMPLETION:** 12/29/08 **PAGE # 2 of 2**

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

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

FINDINGS OF FACT: The complainant said that the officers yelled at him in a threatening manner and treated him like a criminal for a simple stop sign violation. The officer denied the allegation. The complainant did not provide the witness information because the witness no longer works with him and he has no contact information. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

OCC Added Allegation

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

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

FINDINGS OF FACT: The CAD did not have an E585 entry for this traffic stop. The Officer said that he entered the E585 via MDT mask for E585 but did not realize that the information did not go through until he got this complaint. The witness officer stated that an entry is successful when a string of data appears in a single line on the CAD with the information entered. So if the officer never gets a string of data immediately or some time later after sending the E585 entry, it means they did not successfully send the data. The Officer would have known at the end of his shift that the entry did not go through had he confirmed all his entries by preparing an Officer Activity Report card that he is required to attach to his CAD printout and if he had reviewed his unit history. However, a query made from Technology Division for the officer on this date revealed that a E585 entry for this incident was in the SFPD database. Therefore, the allegation is unfounded.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/07 **DATE OF COMPLETION:** 12/12//08 **PAGE# 1 of 3**

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 called upon by a citizen to investigate a person he wanted to arrest. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #3-5: The officers used unnecessary force during the detention.

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

FINDINGS OF FACT: The officers denied using any unnecessary force. The complainant described the force used as force necessary to detain a resistant subject, which he admitted he was. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 09/17/07 **DATE OF COMPLETION:** 12/12/08 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #6-8: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The citizen who called the officers to investigate the complainant signed a private person's arrest form, which is included in the Incident Report. 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 #9 -11: The officers spoke and behaved inappropriately with the complainant.

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

FINDINGS OF FACT: The examples given by the complainant of behavior to which he objected were normal behavior taken by officers during an arrest. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 09/17/07 **DATE OF COMPLETION:** 12/12/08 **PAGE#** 3 **of** 3

SUMMARY OF ALLEGATION #12: The used unnecessary force at the station.

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

FINDINGS OF FACT: The denied that he used unnecessary force upon the complainant. There were no witnesses.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/07 **DATE OF COMPLETION:** 12/13/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant admitted in his interview doing that for which he was cited. 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 AND 3: The officers threatened to tow the complainant's vehicle.

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

FINDINGS OF FACT: The officers stated that they informed the complainant that his vehicle could be towed for being illegally parked. The complainant admitted his vehicle was illegally parked. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 08/21/08 **DATE OF COMPLETION:** 12/07/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Based on a preponderance of the evidence and the totality of the circumstances during the investigation for the complainants arrest, the officers had reasonable cause to believe that the complainant was the dominant aggressor and had committed false imprisonment of his girlfriend, whether or not it had been committed, and were therefore obliged to effect his arrest under DGO 6.09 III. A.1.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/08 **DATE OF COMPLETION:** 12/07/08 **PAGE#**1 of 2

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer slammed into him, knocking the complainant off his feet. The named officer and his partner admitted that there was physical contact between the complainant and the named officer. However, the officers denied that the complainant was knocked off his feet. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officers refused to call their supervisor upon request. There is no requirement for the officers to call their supervisor upon request. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #4-5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant called the police after being assaulted. The complainant alleged that the responding officers failed to properly investigate the assault. The officers stated that they searched the area for the suspect with negative results. Their search efforts were documented in the incident report and in an event history detail report. The evidence proved that the act alleged in the complaint did not occur, or that the named officers were not involved in the act alleged.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATIONS #1-2: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant and the co-complainant alleged that the officers behaved inappropriately during their contact with the complainants. The officers denied the allegation. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/02/08 **DATE OF COMPLETION:** 12/13/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant requested no further action on the complaint and the complaint was withdrawn.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/08 **DATE OF COMPLETION:** 12/05/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on 11/24/08.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on 11/24/08.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/08 **DATE OF COMPLETION:** 12/07/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the named officers detained him without justification. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was initially detained without justification and subsequently arrested without cause. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/08 **DATE OF COMPLETION:** 12/07/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5: Officers failed to properly process property.

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

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

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/08 **DATE OF COMPLETION:** 12/03/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was arrested after filling a prescription for Oxycontin at the Castro Street Pharmacy on Turk Street. There is no "Castro Street Pharmacy" on Turk Street. He also failed to provide evidence of a valid prescription. An undercover officer stated the complainant sold him two Oxycontin pills for eighty dollars. The named officer stated he arrested the complainant after he observed the illegal sale. Four other officers stated they observed the complainant sell narcotics to the undercover officer. The officer's conduct was proper.

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

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

FINDINGS OF FACT: The complainant was properly arrested for selling narcotics to an undercover officer. The complainant complained that his narcotics were not returned to him after he was released from jail. The complainant's narcotics were properly booked into evidence following his arrest. His criminal charges have not been adjudicated. No misconduct has been committed.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/20/08 **DATE OF COMPLETION:**12/19/08 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1-2: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant alleges that the officers used unnecessary force during his arrest resulting to injuries to his head. The officers denied the allegation. Statements from witnesses were inconclusive. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The complainant alleges that the officer placed him in tight handcuffs. The officer denied the allegation. The officer stated that he double-locked the complainant's handcuffs and checked their degree of tightness. Witnesses said they could not recall the complainant complaining about the handcuffs being tight. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/20/08 **DATE OF COMPLETION:** 12/19/08 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant alleges that the officer issued him a citation without cause. The officer stated he cited the complainant for challenging/starting a fight and resisting. Statements from witnesses were inconclusive. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5-6: The officers threatened the complainant.

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

FINDINGS OF FACT: The complainant alleges that the officers threatened to take him to jail when he refused to sign the citation. The officers stated that they explained to the complainant that his failure to sign the citation would result in custodial arrest pursuant to Department General Order 5.06. No witnesses came forward. The evidence proved that the acts, which provided for the basis of the allegations, occurred. However, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/08 **DATE OF COMPLETION:** 12/19/08 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant alleges that the officers failed to process his property. The officers denied the allegation. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/07 **DATE OF COMPLETION:** 12/30/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to prepare a complete and accurate Incident Report.

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

FINDINGS OF FACT: The complainant alleged the named officer falsely stated in the Incident Report that he was the arresting officer. The named officer's partner stated he and the named officer arrested the complainant. Two witness officers stated the named officer and his partner arrested the complainant. There was no additional evidence to further prove or disprove this allegation.

SUMMARY OF ALLEGATION #2: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant alleged the officer falsely stated at the complainant's preliminary hearing that the two victims identified the complainant as their assailant. One of the victims stated he did identify the complainant as his assailant. The second victim did not respond to contact attempts. The officers who conducted the cold shows stated both victims identified the complainant as their assailant. The named officer stated he did not participate in the cold shows. There was no additional evidence to further prove or disprove this allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/21/08 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1 & 2: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that while aboard a Municipal Railway bus, he saw two officers who appeared to be punching and kicking a suspect who was in the back seat of their patrol car, after which the patrol car drove off. The named officers stated that they contacted several men in front of a bar who were engaged in an argument and admonished them to go home. Two of the men left, but the third said he was fearful of walking home because of gang activity in the area. The officers summoned a taxi for this man, but when they discovered he lacked money to pay the taxi, offered to drive him home. The man, who was not in custody, got into the rear seat of the patrol car but quickly became agitated and began yelling and kicking at the car door. The two officers exited the car and opened the rear doors. One officer raised his foot to deflect the man's kicks, then pushed him towards the other side of the car while the partner pulled the man and sat him upright. The officers denied ever punching or kicking this man. The officers stated that the man calmed down, but after they drove a short distance, he became agitated again and asked to be let out of the car. The officers complied and the man boarded a bus. The officers stated they never obtained this man's name or address. Department records confirm that the officers summoned a taxi to the location where the complainant saw the incident take place. Attempts to identify the man who was in the police car were unsuccessful. No other witnesses to the incident were identified. There is insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/08 **DATE OF COMPLETION:** 12/13/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers arrested and cited him without probable cause. The complainant stated he had reported for subcontractor work at a large building. Building employees found the complainant in an unauthorized area where all workers must wear a badge. The employees stopped and demanded the complainant's business. The complainant said he was in the building for a subcontractor's job. The employees told the complainant he must first register at the building's security office, per hotel procedure. At the security office, the complainant had a heated verbal confrontation with the security guard and witnesses overheard him utilize racial slurs. The hotel employees who escorted the complainant to security overheard the exchange. The employees saw the complainant and the security employee physically approach each other as if about to fight. Hotel employees separated the complainant and the security employee and called police. Police arrived on scene and spoke to the complainant and all relevant witnesses. The officers determined there was probable cause to arrest the complainant for Penal Code Section 415.3, after investigating a potential hate crime. The officers cited the complainant after consulting with a Sergeant. The officers denied the allegation. The evidence provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant alleged the officers conducted a flawed investigation. The officers separately interviewed all relevant witnesses orally, and then took their written statements. The OCC interviewed the percipient witnesses. They told the Office of Citizen Complaints the police arrived and separated the complainant from them at the onset. The witnesses stated the police officers interviewed them and the complainant orally and did not tell them what to say. The witnesses further stated that the officers took written statements from each of them. The witnesses also said the complainant was spoken to separately by different officers. The Office of Citizen Complaints found that the officers investigated for the elements of several potential crimes and the sufficiency of the evidence for each crime. The officers appropriately accepted citizen's arrests from the complainant as well as another party. The officers denied the allegation. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/08 **DATE OF COMPLETION:** 12/07/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to conduct a proper investigation.

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

FINDINGS OF FACT: The complainant, who is an attorney, stated she was sexually assaulted in December 2005. She reported the assault to the police in August 2006. The police inspector presented the complainant's case to the District Attorney's Office in November 2006. The District Attorney declined to prosecute due to lack of corroboration. The inspector's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/08 **DATE OF COMPLETION:** 12/22/08 **PAGE#** 1 of 1

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 officer could not recall having any contact with the complainant and denied ever behaving in a manner described by the complainant. No other witnesses came forward. 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: 09/24/08 **DATE OF COMPLETION:** 12/11/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer harassed and used inappropriate behavior toward the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/06/08 **DATE OF COMPLETION:** 12/20/08 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant was struck by a vehicle while crossing the street. The complainant told the OCC that he did not make the statement that had been attributed to him in the incident report. The officer who prepared the incident report said that the statement that he attributed to the complainant was provided to him by another officer. There is insufficient evidence to establish who interviewed the complainant and/or what specific statement the complainant made to the officers on the scene. No other witnesses came forward. 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: 10/09/08 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she heard an officer in a patrol car make an inappropriate comment to a pedestrian. The complainant provided a patrol car number but could not identify the officer. A witness was unable to identify the officer or the car number. A records search determined that no officers were assigned to that particular patrol vehicle that day. The officer could not be identified.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 12/19/08 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that his vehicle was parked legally. The officer stated that the vehicle was creating a road hazard as parked. There are no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to take required action, in that he failed to refund the towing fees for the complainant's vehicle.

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

FINDINGS OF FACT: The officer stated that the vehicle was properly towed because it was creating a road hazard, and therefore his refusal to refund the towing fees was proper. As it is unclear whether or not the tow was proper, it is similarly unclear whether refusal to refund the towing fees was proper. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 11/01/07 **DATE OF COMPLETION:** 12/19/08 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The officer stated that he behaved appropriately. There are no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The complainant was cited for violation of section 21950(b) of the California Vehicle Code, which prohibits a pedestrian from crossing the street when there is a nearby hazard. Heavy road construction equipment was being used to re-pave the street in close proximity to where the complainant attempted to cross. Nevertheless, the complainant believes she had the right-of-way to walk across the street, since the traffic signal indicated she could. Because of the street re-pavement operation was in progress, a uniformed police officer was directing traffic at this intersection. The officer told the complainant to stop and go back to the street curb. The complainant made a remark which the officer took as offensive. The complainant became bewildered, and asked the officer where was she supposed to cross. The complainant said she eventually complied with the officer's command to return to the street curb. The officer stated the complainant initially ignored his command and continued to walk across the street. When the complainant eventually obeyed the officer's command, another traffic hazard developed as the complainant was returning to the curb. No witnesses were developed to support this allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was cited for violation of section 21950(b) of the California Vehicle Code, which prohibits a pedestrian from crossing the street when there is a nearby hazard. Heavy road construction equipment was being used to re-pave the street near the location where the complainant attempted to cross. The complainant said she was unfairly singled out and cited among other pedestrians who were crossing the street around the same time. The officer said another replacement officer had arrived to direct traffic at this location while he (the named officer) was issuing a citation to the complainant; therefore, the named officer could not divert his attention to the activities of the other pedestrians. No witnesses were developed who indicated the named officer unfairly singled out the complainant for this violation. There is insufficient evidence to either prove or disprove the allegation.

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

SUMMARY OF ALLEGATION #3: The officer displayed inappropriate behavior and threatened the complainant with inappropriate comments.

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

FINDINGS OF FACT: The complainant was cited for violation of section 21950(b) of the California Vehicle Code, which prohibits a pedestrian from crossing the street when there is a nearby hazard. Heavy road construction equipment was being used to re-pave the street near the location where the complainant attempted to cross. The complainant said the officer yelled at her several times during this incident. The officer denied yelling at the complainant, but said he had to raise the volume of his voice in order for the complainant to hear him over all of the noise the construction equipment was making. After explaining her actions and questioning those of the officer's, the complainant said the officer told her he would place handcuffs on her and take her to jail if she continued to talk. The named officer denied this. The witness officer said the named officer had to speak loudly because of all the noisy construction equipment in the area. The witness officer did not hear statements allegedly made by the named officer concerning handcuffing and taking the complainant to jail. 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: 04/23/08 **DATE OF COMPLETION:** 12/07/08 **PAGE#** 1 **of** 1

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

CATEGORY OF CONDUCT: ND **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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SUMMARY OF ALLEGATION #1: The officer detained the complainant's son without justification.

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

FINDINGS OF FACT: The complainant alleges that the officer detained her minor son without justification. The officer denied the allegation, stating that he had a brief conversation with her son. No independent witnesses came forward. 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: 10/22/08 **DATE OF COMPLETION:** 12/18/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers 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 December 12, 2008.

SUMMARY OF ALLEGATION #2: The officers towed the complainant's vehicle 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 December 12, 2008.

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DATE OF COMPLAINT: 10/22/08 **DATE OF COMPLETION:** 12/05/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on 11/18/08.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on 11/18/08.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/23/08 **DATE OF COMPLETION:** 12/12/08 **PAGE#** 1 of 2

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 December 2, 2008.

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

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 December 2, 2008.

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

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

FINDINGS OF FACT: The officer is no longer available or subject to department discipline.

SUMMARY OF ALLEGATION #4: The officer's manner and behavior were inappropriate.

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

FINDINGS OF FACT: The officer is no longer available or subject to department discipline.

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DATE OF COMPLAINT: 10/24/08 **DATE OF COMPLETION:** 12/03/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer selectively enforced the law.

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

FINDINGS OF FACT: The complainant alleges that the officer selectively enforced the law against him by citing him more violations than the other limousine drivers at San Francisco Airport. The evidence shows that in one occasion, the officer cited the complainant and another driver with the same violation. In another occasion wherein the complainant was cited by the same officer, a witness corroborated the officer's justification for the citation. No other witnesses came forward. There is sufficient evidence to disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant and the co-complainant allege that the officers arrested the complainant without cause. The officers stated that they arrested the complainant for assault on police officers and for resisting arrest. No other independent witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION 4-6#: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant and the co-complainant allege that the officers used unnecessary force. The officers denied the allegation. No other independent witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

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DATE OF COMPLAINT: 10/24/08 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #7-8: The officers searched the complainants' vehicle without cause.

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

FINDINGS OF FACT: The complainants allege that the officers searched their vehicle without cause. The evidence shows that the person who was driving the vehicle was on probation and was driving on a suspended 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 #9: The officer towed the complainants' vehicle without justification.

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. However, the evidence shows that the person who was driving the vehicle had a suspended license. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #10: The officer used profanity.

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

FINDINGS OF FACT: The complainants allege that the officer used profanity. The officer and other officers denied the allegation. No independent witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/27/08 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was issued a citation for violation of CVC 21718A parking on a highway. The complainant admitted that she stopped on a highway for a non-emergency reason. (To use her cell phone). The officer stated that he cited the complainant for the above violation. The officer stated he observed the complainant stopped on the highway near the airport. The officer said he asked the complainant why she was stopped, and the complainant replied it was to use her cell phone. CVC 21718A states in relevant part that no person shall stop, park, or leave any standing vehicle upon a freeway...The complainant admitted to OCC that she was stopped for a non-emergency reason on the highway. 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 acted inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer acted inappropriately and made inappropriate comments. The officer denied the allegation. There were no witnesses to the contact. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: During a taped interview with OCC the complainant requested a withdrawal of the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer(s) made inappropriate comments.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/20/07 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that as she and her husband and several friends were leaving a nightclub and walking to their cars, she was shot in the leg. She yelled for her husband, who attempted to reach her, but his way was barred by a man later determined to be a police officer, who struck her husband repeatedly in the head. The investigation disclosed evidence, including video footage, that the complainant's husband pushed a police sergeant in his rush to get to his fallen wife. The named officer stated that he saw the complainant's husband push the sergeant in the chest, and that he and his partner attempted to do a bar-arm takedown without success. When the complainant's husband lunged at him, the named officer, who was holding his flashlight, attempted to strike the complainant's husband with the flashlight in the upper chest/shoulder area, but inadvertently struck him once in an unknown area. Witness statements, video footage, and medical evidence were inconclusive as to whether or not the level of force used against the complainant's husband was necessary to control him. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used unnecessary force on the complainant's husband.

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

FINDINGS OF FACT: The officer stated that, as he approached the complainant, he was pushed from behind by a man later identified as the complainant's husband who was trying to get around him. The sergeant told the complainant's husband to move back, which he refused to do. The complainant's husband pushed the sergeant backwards, and two backup officers grabbed the complainant's husband, who struggled briefly but was taken to the sidewalk. The named officer denied ever striking the complainant's husband. The two backup officers who took the complainant's husband to the ground and handcuffed him stated that one of them struck the complainant's husband with a flashlight, but the named officer never struck him. Two civilian witnesses, one of whom had seen the named officer before, stated that they saw the named officer strike the complainant's husband in the head multiple times. Witness statements, video footage, and medical evidence were inconclusive as to whether or not the level of force used against the complainant's husband was necessary to control him. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/08 **DATE OF COMPLETION:** 12/23/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 22, 2008.

SUMMARY OF ALLEGATION #2: The officer searched the complainant's vehicle 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 December 22, 2008.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/08 **DATE OF COMPLETION:** 12/07/08 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: ND **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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SUMMARY OF ALLEGATION #1: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated she was involved in a hit-and-run injury collision, and that the occupants of the other car were identified in the Traffic Collision Report, but that the officer did not contact the occupants. The complainant also stated that she gave the officer the name of a person tentatively identified as the driver of the other vehicle, but the officer did not contact that person. The Traffic Collision Report identifies one occupant of the other vehicle. The officer stated to Office of Citizen Complaints that he investigated the case fully, and followed the lead that the complainant gave. The officer's case chronology was included with his response, and shows that he contacted the person identified in the Traffic Collision Report, who denied that the person identified by the complainant was not driving the vehicle. Despite the officer's further efforts, documented in the case chronology there were no other available, cooperative witnesses to the collision. The case was investigated properly.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/10/08 **DATE OF COMPLETION:** 12/11/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer was rude, abrupt, and would not let her ask a simple question. The officer denied the allegation. A witness on scene, who could only hear one side of the telephone conversation, gave conflicting statements about what she heard. 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: 11/05/08 **DATE OF COMPLETION:** 12/07/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to exercise due care when driving a department vehicle.

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

FINDINGS OF FACT: The anonymous complainant stated that an officer drove a vehicle and did not yield to a pedestrian. The complainant provided the intersection where this occurred, provided a vehicle number, but did not provide information as to the time and date of this incident or a description of the officer(s) in the vehicle. Department Records revealed that the patrol car identified by the complainant was assigned to Central Station. However the officers assigned to the vehicle were in the station with a custody at or about the time the alleged incident occurred. The complainant provided no contact information so there is no ability to obtain further information regarding this matter in order to conduct a thorough and proper investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/08 **DATE OF COMPLETION:** 12/03/08 **PAGE# 1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/08 **DATE OF COMPLETION:** 12/03/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCCs jurisdiction.

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

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

Investigative Services Unit
San Francisco Sheriff's Department
25 Van Ness Avenue, Room 320
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/08 **DATE OF COMPLETION:** 12/03/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCCs jurisdiction.

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

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

Investigative Services Unit
San Francisco Sheriff's Department
25 Van Ness Avenue, Room 320
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/08 **DATE OF COMPLETION:** 12/03/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCCs jurisdiction.

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

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

Investigative Services Unit
San Francisco Sheriff's Department
25 Van Ness Avenue, Room 320
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/25/07 **DATE OF COMPLETION:** 12/19/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers used unnecessary force

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force when they shot and killed a tiger at the zoo, which had killed a person and mauled two other persons. The Department only has one applicable policy, DGO 5.03.I.C.1.d. The Department has met with other involved agencies to explore additional agreements regarding zoo incidents, but such agreements have yet to be established.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/08 **DATE OF COMPLETION:** 12/05/08 **PAGE#** 1 of 1

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

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

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

Management Control Division
San Francisco Police Department
San Francisco CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/29/08 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: During a taped interview with Office of Citizen Complaints 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: 12/03/08 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: An officer failed to properly operate a department vehicle.

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

FINDINGS OF FACT: The complainant stated she witnessed a SFPD vehicle driving recklessly causing her to jump back a step on the curb. The complainant is not able to identify the vehicle number or the officer driving the vehicle. The complainant is not able to identify the number of officers in the vehicle in question. There are no witnesses available to corroborate this incident and the complainant is not able to identify any witnesses to this incident. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/10/08 **DATE OF COMPLETION:** 12/11/08 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department
25 Van Ness Ave. Suite #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/10/08 **DATE OF COMPLETION:** 12/13/08 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department
25 Van Ness Ave. Suite #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/08 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/08 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 1 of 1

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

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

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

Investigative Services Unit
San Francisco County Sheriff's Department
25 Van Ness Avenue #320
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/08 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 1 of 1

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

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

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

Operations Manager
Central Parking Systems
550 Kearny Street #640
San Francisco, CA 94108

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/08 **DATE OF COMPLETION:** 12/30/08 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The named members stated that they entered the complainant's hotel room using a key provided by the desk clerk while investigating a crime committed by the complainant. According to the officers, the exigency of the circumstances justified making an entry to the room in order to freeze the room and preserve potential evidence. The named members further stated that upon their entry, the complainant consented to the search of the room. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named members stated that they detained the complainant because she was the suspect in a robbery and battery they were investigating. There were no other witnesses to this part of the complainant's contact with the officers. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/08 **DATE OF COMPLETION:** 12/30/08 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The named members could not recall whether the complainant was placed in handcuffs during this incident. 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: 01/02/08 **DATE OF COMPLETION:** 12/20/08 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that she was stopped while driving for having expired registration tags. Department records indicate that the registration of the vehicle the complainant was driving was expired at the time of the traffic stop. The evidence established that the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant stated that after being stopped for having an expired vehicle registration and driving with a suspended driver's license, the officer handcuffed her and placed her inside his patrol car for a lengthy period of time. The named officer stated that he handcuffed the complainant because he had been trained at the SFPD Academy to handcuff every individual he was citing for driving with a suspended driver's license. The named officer said he placed the complainant in the back of the patrol car for twenty to thirty minutes while he completed the citation and the paperwork connected with the towing of her vehicle. The evidence established that the action complained of was lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/08 **DATE OF COMPLETION:** 12/20/08 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #4: The officer used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that she was stopped for driving with an expired registration and a suspended driver's license. The named officer grabbed the complainant's arm, twisted it up behind her back in a forceful manner causing her pain and handcuffed the complainant, applying the handcuffs too tightly. The complainant later sought medical treatment for pain to her shoulder. The named officer then seated the complainant in the back of the patrol car. While in the patrol car, the complainant slipped one of her hands out of the handcuffs. The named officer denied twisting the complainant's arms up behind her back or handcuffing her too tightly. The named officer's partner stated that he did not recall how the handcuffs were applied. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer conducted a search beyond the scope of authority.

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

FINDINGS OF FACT: The complainant stated that she was stopped for driving with an expired registration and a suspended driver's license. When the named officer searched her, he touched her breasts and buttocks. The named officer denied touching the complainant's chest, and said he merely patted the complainant's back pockets while conducting a search for weapons prior to placing the complainant in the back of the patrol car. The named officer's partner stated that the named officer did not touch the complainant's chest or buttocks. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/08 **DATE OF COMPLETION:** 12/20/08 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #6 & 7: The officers towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that she was stopped for driving with an expired registration and a suspended driver's license and that her vehicle was towed. The evidence established that the complainant was driving with a suspended driver's license, and that the towing of her vehicle was mandated by state law. The evidence established that the action complained of was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/04/07 **DATE OF COMPLETION:** 12/11/08 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged an officer, who is her neighbor, called the police instead of talking with the complainant and asking the complainant to move her illegally parked vehicles. The complainant admits that every time the vehicles were cited vehicles were parked illegally. There is more than one police officer that lives on the complainant's block. The evidence was insufficient to prove or disprove that either of the complainant's officer neighbors acted in the manner alleged.

SUMMARY OF OCC ADDED ALLEGATIONS #1 AND #2: The officers were out of assigned duty area without communicating to a supervisor or Communications.

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

FINDINGS OF FACT: The officers stated that one officer contacted his supervisor using his personal cell phone. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/08 **DATE OF COMPLETION:** 12/07/08 **PAGE # 1 of 5**

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

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

FINDINGS OF FACT: The named officer denied the allegation. Two witnesses said they did not see the detention. Two witness officers said they saw the co-complainant resist arrest. Four other witness officers said they did not observe the detention. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-4: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The named and three witness officers denied the allegation, saying they saw the complainant advance on officers and refuse to stop, then resisted arrest. One witness officer said he arrived after the detention. No other witnesses who saw the detention came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/08 **DATE OF COMPLETION:** 12/07/08 **PAGE # 2 of 5**

SUMMARY OF ALLEGATION #5: The officer failed to answer reasonable questions.

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

FINDINGS OF FACT: The complainant and the co-complainant said the complainant repeatedly asked why they were being detained and no one answered her. The officer who investigated the incident said he tried to speak to the complainant and the co-complainant and they refused to speak to him. One witness officer said he tried unsuccessfully to speak to the complainants. One witness said he heard unknown officers answer the complainant's questions. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer handcuffed the co-complainant without justification.

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

FINDINGS OF FACT: The co-complainant said one officer handcuffed him. There was insufficient evidence to establish who handcuffed the co-complainant. No other witnesses came forward. There was insufficient evidence to identify the involved officer or to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/08 **DATE OF COMPLETION:** 12/07/08 **PAGE # 3 of 5**

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

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

FINDINGS OF FACT: The complainant and co-complainant said a female officer kicked the complainant in the back as the complainant sat on the sidewalk. The complainant said she was detained by two male officers and one female officer. Medical records of an examination of the complainant found no injury or other evidence of the use of force. The two female officers at the scene acknowledged they were both involved in the detention but denied seeing or engaging in the alleged unnecessary force. Three witness officers denied seeing the unnecessary force. One witness said he saw a female officer putting her foot in the complainant's back while the complainant was laying face down on the sidewalk, which was inconsistent with all other accounts of the incident. One witness said she arrived after the complainant was detained. No other witnesses came forward. There was insufficient evidence to identify the named officer or either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the named officer improperly said her car had been involved in a burglary. The named officer said he did not recall making the alleged statement. One witness officer heard a sergeant make a comment that the complainant's car was identified as being involved in a previous crime. No other witnesses heard the comment. There was insufficient evidence to determine if the comment rose to the level of misconduct and there was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/08 **DATE OF COMPLETION:** 12/07/08 **PAGE #** 4 of 5

SUMMARY OF ALLEGATION #9: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant alleged that officers at the scene took the co-complainant's backpack and kept it, returning it later to the complainant's home. The co-complainant said officers returned it to his home later. The officer who investigated the incident denied seizing the backpack, and six witness officers denied knowing who returned the backpack to the home of the complainant. There were no records indicating that an officer went to the complainant's home on that date. There was insufficient evidence to identify the involved officer or to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the co-complainant was a victim of a crime and that neither she nor the co-complainant were questioned about that crime. The complainant acknowledged she was not present and did not witness the crime. The co-complainant acknowledged that the named officer asked him what happened and he refused to speak to the officer. The named officer and one witness officer denied the allegation, saying that they tried to talk to both the complainant and the co-complainant and they both refused. He stated further that he or other officers at the scene interviewed everyone there who was identified as a party to the crime at issue. The evidence proved that the acts that formed the basis of the allegation occurred, but that those acts were lawful, justified and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/08 **DATE OF COMPLETION:** 12/07/08 **PAGE # 5 of 5**

SUMMARY OF ALLEGATION #11: The officer cited the complainant and co-complainant without cause.

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

FINDINGS OF FACT: The named and five witness officers denied the allegations. No other witnesses who saw what led to the detention came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/09/08 **DATE OF COMPLETION:** 12/19/08 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately

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

FINDINGS OF FACT: The complainant failed to respond to OCC contact efforts.

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

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

FINDINGS OF FACT: The complainant failed to respond to Office of Citizen Complaints contact efforts.