

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/09 **DATE OF COMPLETION:** 08/20/10 **PAGE #** 1 of 3

SUMMARY OF ALLEGATION #1: The officer failed to write a complete/accurate incident report.

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

FINDINGS OF FACT: The complainant stated the incident report was inaccurate because her height and weight were inaccurate and did not match the driver's license information that she provided to the officer. The named officer admitted to inadvertently misstating the complainant's height and weight in the incident report. While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error caused harm to the complainant or others. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer gave the complainant's personal information to another party.

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

FINDINGS OF FACT: The complainant alleged the named officer gave her personal information to a Department of Parking and Traffic Officer. The named officer admitted to giving the complainant's information to a Department of Parking and Traffic Supervisor because one of his employees was involved in the alleged accident and stated that this is standard protocol. A traffic enforcement Subject Matter Expert confirmed that the named officer acted appropriately by providing the Department of Parking and Traffic Supervisor the complainant's information so that he would be able to conduct an administrative investigation regarding his employee who was a victim in this incident. 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 #3-4: The officers failed to investigate.

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

FINDINGS OF FACT: The complainant stated there were witnesses to the incident and their statements were not included in the incident report because the named officers did not attempt to interview them. One of the named officers stated she did attempt to locate witnesses to this incident but was unable to locate anyone who witnessed the alleged accident. The other named officer stated he was on scene to supervise the investigation not conduct it. The supervising officer stated that he made sure the investigating officer interviewed all parties, witnesses, and prepared an incident report. The victim to the alleged accident stated the only witness she knew of left the scene before his information could be obtained. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #5: The officer acted inappropriately.

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

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

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SUMMARY OF ALLEGATION #6: This complaint raises matters not within OCC's jurisdiction.

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

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

San Francisco Municipal Transportation Agency (SFMTA)
Department of Parking and Traffic
1 South Van Ness Ave-7th Floor
San Francisco, CA 94103

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officers stated the complainant's car was behind them when they noticed that it had a broken headlight. When they ran the vanity plate it came back as stolen. The officers later realized that, in their query, they had misspelled the complainant's license plate. There were no witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated her wrist was injured when she was handcuffed. She stated that she "might have tried to turn around" when the officers were handcuffing her. The complainant stated she screamed at the officers during this incident. The complainant's husband stated he was seated in the patrol car and did not hear everything that was said by his wife and the officers. He said he saw an officer push his wife against the car and twist her arm up behind her back. He heard his wife yell, "Get off me! What are you doing?" The officers stated that the complainant was threatening and verbally abusive. She resisted being handcuffed. One officer stated he conducted an Academy-approved "bent wrist to the back technique" to gain control of the complainant's elbows. The other officer stated he used an Academy-approved "twist grip lock" to gain control of her hands. Both officers denied pulling the complainant's arms up high behind her back. They stated the complainant did not complain of pain and did not request medical assistance. There were no other witnesses. There was medical evidence to support that there was minor wrist injury, but there is insufficient evidence to establish the level of force necessary to detain the complainant.

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SUMMARY OF ALLEGATION #5-6: The officer arrested the complainant's husband without cause

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

FINDINGS OF FACT: The complainant's husband was arrested and cited and released at the scene for driving with a broken headlight and for refusing to obey an officer. Both officers stated that the vehicle had a broken headlight and that the complainant's husband refused to obey the officer's orders. There were no witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to properly supervise.

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

FINDINGS OF FACT: The officer stated he directed the subordinate officer to issue the complainant a Certificate of Release. When he saw the incident report and learned that the officer had failed to follow his orders, he admonished the officer. The officer's actions were proper.

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SUMMARY OF OCC-ADDED ALLEGATION #2: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The officer stated he handcuffed the complainant. He acknowledged failing to issue a Certificate of Release. The allegation is sustained.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

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SUMMARY OF ALLEGATIONS #1-2: The complainant alleged the officers arrested him on October 27, 2009 without cause.

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

FINDINGS OF FACT: The complainant acknowledged being at the scene of his arrest for a prolonged period. He admitted being in possession of 1.5 ounces of marijuana packaged for individual sale. He admitted he did not have a valid medical marijuana card in his possession. The officers denied the allegation, stating they had the complainant under surveillance and observed him in a hand to hand transaction. 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 on December 3, 2009, without cause.

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

FINDINGS OF FACT: The complainant said that during the course of a traffic stop, officers discovered he had marijuana in his possession and arrested him without cause. The complainant said the officers initially stopped him for driving with tinted windows. During the stop, the complainant admitted the officers smelled marijuana inside his vehicle. The complainant admitted he did not have a valid medical marijuana card and acknowledged he was in possession of marijuana. The marijuana was packaged for individual sale. The officers denied the allegation. They stated they stopped the complainant's vehicle because it had illegally tinted windows, a violation of California Vehicle Code §26708.5. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #5: The officer arrested the complainant on December 7, 2009 without cause.

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

FINDINGS OF FACT: The complainant admitted being in possession of marijuana and hashish found by the officer. The complainant told the officer the marijuana was for medicinal purposes but he did not have a valid medical marijuana card. The officer denied the allegation, stating he stopped the complainant's vehicle because it had illegally tinted windows, a violation of California Vehicle Code §26708.5. When he approached the car, the officer stated he smelled a strong odor of burnt marijuana coming from the vehicle. During a subsequent search of the car, the officer found marijuana and hashish. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The officer failed to document a traffic stop of the complainant. Department Bulletin 08-268 requires officers to log all traffic stop data in accordance with its provisions. Following the results of a SFPD audit, the OCC learned the officer failed to log the complainant's gender, ethnicity, date of birth, time of stop, location of stop and reason for the stop into the appropriate database, as required for SFPD accountability. A preponderance of the evidence proved that the conduct complained of did occur and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The investigation disclosed that the officers were assigned to investigate permit compliance. The complainant was operating an after-hours entertainment venue without proper permits. The officers action were lawful and proper.

SUMMARY OF ALLEGATION #3-4: The officers seized property from the complainant's residence without cause.

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

FINDINGS OF FACT: The officer stated they seized and booked as evidence three laptops that were hooked up to the sound system for an illegal entertainment venue. One of the people operating the sound system said her laptop was not used in the sound system. There was no other evidence to prove or disprove whether this laptop was lawfully seized as evidence. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer failed to accept a citizen's arrest.

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

FINDINGS OF FACT: The named officer denied the allegation, stating there was no probable cause for the arrest. Two witnesses identified by the complainant did not respond to requests for interviews. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. Two witnesses identified by the complainant did not respond to requests for interviews. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The named officer denied the allegation. Two witnesses identified by the complainant did not respond to requests for interviews. No other witnesses came forward. There was insufficient evidence to either prove, or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

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SUMMARY OF ALLEGATIONS #1-2: The officers detained the complainant due to bias.

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

FINDINGS OF FACT: The complainant stated the officers should not have detained him. The complainant said the officers stopped him, because he was with his Caucasian girlfriend. The complainant admitted that he and his girlfriend were jaywalking when the officers detained him. The officers denied the allegation. The officers observed the complainant and his friend cross a street in violation of 21456(b) cvc- crossed against a red “do not walk” traffic signal and detained the complainant for that violation. The witness did not provide a statement to OCC. The investigation showed that the officers acted lawfully and properly.

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

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force on him. The complainant said the officers injured his hands, arm and rib area, when they grabbed, kned and jumped on him. The officers denied the allegation. The officers stated the complaint was resisting and not cooperative during the detention. The officers said the complainant attempted to flee the scene and fell with them onto the sidewalk. The witness did not provide a statement to OCC. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #5: The officer placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant stated the officer placed tight handcuffs on him, which caused wrist pain. The officer denied the allegation. The officer stated he checked the complainant's handcuffs for proper tightness and double locked them. The witness did not provide a statement to OCC. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer engaged in inappropriate behavior during a search.

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

FINDINGS OF FACT: The complainant stated the officer touched his buttocks area during the search. The officer stated a search incident to the complainant's arrest was conducted. The officer said the search on the complainant was part of the arrest procedure. The witness did not respond to provide a statement. 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 handcuffed the complainant too tightly.

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

FINDINGS OF FACT: The named officer, who was patrolling alone, acknowledged handcuffing the complainant, but denied the allegation, stating that he followed all Department policies and procedures. There were no witnesses who came forward. There was insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complainant said he was injured by tight handcuffs, and that the named officer did not respond to his complaints of injury by obtaining medical attention. The complainant refused to sign a release to OCC to obtain his medical records. The officer denied the allegation, stating that the complainant did not complain of injury, indicated no injury and was cleared for booking by medical staff at the county jail. Department records indicated that the complainant was cleared for booking by Jail Health Services, although complete medical records could not be obtained. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer entered a residence without cause.

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer searched a residence without cause.

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

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

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

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

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

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

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

FINDINGS OF FACT: The incident originated from a private party, which was given on a public street. The complainant said the officer disrespected him by yelling at him, getting within inches of his face and pointing his (the officer's) finger in the complainant's chest. The complainant also alleged the officer snatched the complainant's cell phone, and threw it at the complainant after the officer had spoken to another police officer whom the complainant called for assistance. The complainant had voluntarily given his cell phone to the officer for the purpose of discussing the incident with the other police officer. The officer denied these actions, stating he advised the complainant of the violations of various municipal codes the officer had observed even though the complainant produced a permit for the event. The officer said he also spoke to the police officer the complainant had telephoned, and provided the other police officer with a description of the violations. No witnesses were developed to support the complainant's allegation. This investigation was unable to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The contact originated from a private party given on a public street. The complainant said the officer used profanity during the contact the complainant had with the officer. The officer denied using profanity, stating he does not use profanity and for him to do so would be out of character. No witnesses were developed to support the complainant's allegation. The investigation was unable to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer threatened to arrest the complainant.

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

FINDINGS OF FACT: The officer observed violations of various municipal codes as a result of a private party being given on a city sidewalk and a city street. Even though the complainant produced a permit for the affair, the officer informed the complainant that the permit did not cover the noted violations. The officer told the complainant to remedy the violations or the officer would issue citations. The complainant complied; consequently the officer never issued any citations. No witnesses were developed to support the complainant's allegation. This investigation was unable to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer failed to provide identification upon request.

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

FINDINGS OF FACT: The complainant stated the officer failed to provide his name and star number upon the complainant's request. The officer said it is Department policy for him to provide his name and badge number when requested. The officer said he would have gladly provided the complainant with this information, but the complainant never asked for this identification. Additionally, the officer stated he (the officer) was in full uniform with his last name and star number prominently displayed on his uniform. No witnesses were developed to support the complainant's allegation. The investigation was unable to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainant wrote in his complaint form that the officer arrested him without cause. The named officer's partner stated that he saw a group of people, including the complainant, standing on the sidewalk over a period of time. He saw the complainant engaged in what appeared to be a possible hand-to-hand drug sale and approached the complainant to investigate. The named officer stated that he saw the complainant flailing his arms near his partner and saw a knife in the complainant's pocket. The named officer stated that he detained the complainant and arrested him for loitering while carrying the knife, which was a concealed weapon. The complainant did not make himself available for an interview by the OCC and therefore did not provide additional requested evidence. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2 & 3: The officers failed to implement onlookers' rights.

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

FINDINGS OF FACT: The complainant wrote in his complaint form that the officers arrested people who were attempting to film his detention and arrest and to obtain his information. The complainant also wrote that as he was being detained, many other people were drawn to the area. The named officers stated that after they detained the complainant, eight to ten men surrounded them, some standing in close proximity. Several of these men failed to move back when ordered to do so and were arrested for interfering. The officers stated that they did not attempt to prevent anyone from observing or recording the incident, but merely told individuals to move back a safe distance out of officer safety concerns. One of the named officers stated that he requested backup officers because of the unsafe situation. Communications records confirm that the officer requested several backup units. The OCC was unable to contact the other individuals who were arrested at the scene. The complainant did not make himself available for an interview by the OCC and therefore did not provide additional requested evidence. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant wrote in his complaint form that the officer seized but did not return a case of beer. The named officer stated that he saw a group of individuals, including the complainant, loitering on the sidewalk in a boisterous manner. His partner approached the complainant to investigate a possible hand-to-hand drug sale, and the named officer detained and arrested the complainant for loitering while carrying a knife, which was a concealed weapon. The named officer and his partner stated that they arrested three other individuals at the scene who interfered by surrounding them and refusing to step back a safe distance when ordered to. The named officer stated that he seized a case of beer on the sidewalk that no one claimed. The named officer stated that his commanding officer had instructed officers to aggressively enforce quality of life offenses in the area, including loitering and drinking in public. The named officer stated that he disposed of the beer and described his actions in his incident report. The complainant did not make himself available for an interview by the OCC and therefore did not provide additional requested evidence. There is insufficient evidence to prove or disprove the allegation.

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The named officer and his partner denied the allegation. No witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer yelled and threatened a bystander. The officer stated he raised his voice to gain compliance from the bystander who had refused numerous times to comply with his orders to back away. The officer stated he advised the complainant she could be arrested for obstructing and/or interfering with this police contact. No independent witness came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer interfered with the rights of an onlooker.

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

FINDINGS OF FACT: The complainant stated he was twenty feet away from the police contact when a female bystander approached the subjects and asked them if they knew their rights as one officer searched their vehicle. The named officer then threatened the bystander according to the complainant. The officers stated the bystander created a safety issue and obstructed and interfered with their investigation. DGO 5.07 states that bystanders are allowed in the vicinity of the police contact as long as they do not create a safety problem, interfere or obstruct, or incite the subjects of the police contact. Bystanders are permitted to ask identifying information of the subjects and of the officer. The complainant's statement shows that the bystander did not ask identifying information and was close enough to the subjects to converse with them to ask them if they knew their rights. The complainant's statement shows this occurred while the officers were still conducting an investigation including an ongoing vehicle search. The evidence shows that the bystander interfered and obstructed the investigation when she approached the subjects and came close enough to converse, thus creating a safety problem for all persons. The evidence shows that the officer's actions were lawful and appropriate.

SUMMARY OF ALLEGATION #4-5: The officers conducted a vehicle search without cause.

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

FINDINGS OF FACT: The officers stated they effected a traffic stop. They then conducted a probable cause search when the smell of marijuana emanated from the vehicle. No witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 28, 2010.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 28, 2010.

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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 was arrested for battery and terrorist threats. Witnesses confirmed that the complainant committed the acts alleged. The officers had probable cause to arrest the complainant.

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

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

FINDINGS OF FACT: The complainant alleged that the officers did not hear all of his statement and did not interview his girlfriend. The girlfriend stated the officer asked her what happened. Witnesses stated the officers spoke to them and the girlfriend. The complainant admitted being uncooperative. The officers conducted a proper investigation in the circumstances.

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SUMMARY OF ALLEGATION #5-6: The officers failed to provide medical attention.

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

FINDINGS OF FACT: The complainant stated his shoulder was dislocated in a fight with his co-workers. He stated that, when the ambulance arrived, the officers dismissed the paramedics. The complainant's girlfriend corroborated the complainant's allegation. There is no SFFD record of a run to the location of the incident on the day in question. SFFD personnel stated that the run was probably conducted by a private ambulance. Other officers later called paramedics from the County Jail. The medical records of the later call do not indicate that the complainant had a shoulder injury, although hospital records do indicate he had a dislocated shoulder upon his admission later that day. One officer stated an ambulance arrived at the scene of the incident and medically cleared the complainant. The other officer stated the complainant refused to cooperate with the paramedics. The paramedic report for the run to County Jail indicates that the complainant was combative and uncooperative. The hospital records also indicate the complainant was combative. 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: 02/07/10 **DATE OF COMPLETION:** 08/23/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer acted in an intimidating manner toward the complainant.

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

FINDINGS OF FACT: The complainant stated the officer attempted to intimidate her into providing evidence against her boyfriend. The complainant's boyfriend was suspect in a violent crime and was being held in a San Francisco County Jail. The complainant alleged the named officer tried to bully her into providing confidential information she did not have to provide. The boyfriend said the officer threatened to harm the complainant if he did not plead guilty. The officer denied the allegation. There were no witnesses or other available evidence. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/10 **DATE OF COMPLETION:** 08/03/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: 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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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/10 **DATE OF COMPLETION:** 08/25/10 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. Witness officers denied hearing the alleged profanity. Other witnesses at the scene were unavailable. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. The witness officers denied seeing the alleged conduct. Other witnesses at the scene were unavailable. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/10 **DATE OF COMPLETION:** 08/25/10 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #3-5: The officers made inappropriate comments.

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

FINDINGS OF FACT: The officers denied making the alleged comments or hearing the other officers do so. Other witnesses at the scene were unavailable. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer conducted himself in a discriminatory manner.

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

FINDINGS OF FACT: The officer denied the allegation. The officer's partner denied any knowledge of the named member conducting a biased investigation. Other witnesses at the scene were unavailable. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/10 **DATE OF COMPLETION:** 08/25/10 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7: The officer failed to take the required action.

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

FINDINGS OF FACT: The complainant said she asked the officer for his name and star number and he refused to give it to her. The officer denied refusing to give the complainant his name and badge number. The named member's partner denied that the officer refused to give his name and number to the complainant. Other witnesses at the scene were unavailable. Back up officers denied witnessing any contact between the officers and the parties to the incident. 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: 12/28/09 **DATE OF COMPLETION:** 08/19/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainants alleged that the officers issued them citations without cause. The officers denied the allegation. The officers stated the complainants were cited for crossing the street against a red light. No witnesses came forward. The evidence is insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officers behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainants alleged that the officers, whose behavior was condescending, talked down to them and harassed them. The officers denied the allegation and stated that they were professional to the complainants during the entire contact. No witnesses came forward. The evidence is insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/10 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The officer observed the complainant for approximately 7-10 minutes near the airport checkpoint attempting to illegally solicit a fare/passenger. The complainant did not display a sign and was not calling out loud for a particular passenger. The witness stated he was standing in the baggage area looking for his client and saw the complainant standing there. The complainant is a limousine driver, was dressed in work attire and located on airport property. Limousine drivers and their operations are governed by the SFO Rules & Regulations, adopted March 20, 2001. The officer had justification to make contact with the complainant for suspicion of soliciting at the airport. 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 cause.

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

FINDINGS OF FACT: The officer stated the complainant refused to present his waybill and driver's license after numerous requests. The witness corroborated the officer requested the complainant's waybill and driver's license several times, yet the complainant would not comply. The complainant is a limousine driver, was dressed in work attire and located on airport property. The complainant admitted he refused to comply with the officer's request for his driver's license and did not have a waybill. Limousine drivers and their operations are governed by the SFO Rules & Regulations, adopted March 20, 2001. Limousine drivers shall present their waybill and driver's license to any police officer or representative of the city airport. 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: 02/18/10 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The officer requested the complainant step away from heavy foot traffic near the bottom of the escalator to avoid oncoming airport travelers. The officer placed his hand on the complainant's forearm to guide the complainant to a better location. The witness said the officer pushed the complainant on his shoulder two times. The airport video depicts the complainant taking an aggressive step with a raised hand directly in front of the named officer. The named officer is seen raising his right arm, making contact with the complainant's left arm as if to hold or direct him back. The officer's contact with the complainant appears to be strictly for officer safety reasons and fails to reach the level of unnecessary force. 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 #4-5: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The officer told the complainant he was under arrest and to place his arms behind his back. When the officer grabbed the complainant's left arm, the complainant tensed up, struggled and resisted the officer. The officer told the complainant to get on the ground and to stop resisting.

The assisting officer heard the arresting officer tell the complainant he was being placed under arrest. The second officer grabbed the complainant's right arm and they attempted to lower him to the ground with a bar arm takedown. The complainant became stiff and would not comply with orders to place his hands behind his back. A witness officer heard the arresting officer tell the complainant to stop resisting, to place his hands behind his back. The witness officer said the complainant would not comply, so she assisted with placing the complainant's left arm into a bent wristlock for handcuffing. The witness said another officer arrived and they pushed the complainant to the ground.

The airport video depicts the officers each grabbing the complainant's arms and attempting to utilize a bar arm takedown with little success. The complainant seems to swing around and effects resistance against the officers as they attempt to place him down on the ground. The complainant is further seen resisting the officers efforts by bracing one foot on the ground to avoid being taken down. The video evidence shows that the officer's actions were proper and lawful pursuant to Department General Orders wherein officers are permitted to use necessary force to effect an arrest.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/10 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #6: The officer's comments and behavior were inappropriate.

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

FINDINGS OF FACT: The officer denied the allegation. The witness officers denied hearing the named officer make any derogatory comments to the complainant. The civilian witness said he heard the officer say he could do whatever he wanted. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer's comment was biased, due to the complainant's race.

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

FINDINGS OF FACT: The officer denied the allegation. The witness officers denied hearing the named officer make any biased comments to the complainant due to his race. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/18/10 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #8: The officer used profanity toward the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The witness officers denied hearing the named officer use any profanity during his contact with the complainant. The civilian witness stated he actually heard the complainant use profanity rather than the named officer. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/10 **DATE OF COMPLETION:** 08/04/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he went to the police station to report a restraining order violation. The officers he spoke with at the station basically dissuaded him from taking police action. There was insufficient identifying information concerning the involved members in order to identify and question the officers regarding the alleged misconduct. There were no witnesses. The evidence was insufficient to identify the officers and either prove or disprove the allegation.

SUMMARY OF ALLEGATION#2-3: The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the female officer was animated and did not really want to hear the whole story and the male officer was standoffish and condescending. There was insufficient identifying information concerning the involved members in order to identify and question the officers regarding the alleged misconduct. There were no witnesses. The evidence was insufficient to identify the officers and either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/10 **DATE OF COMPLETION:** 08/17/10 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he had the right of way when he was crossing the street. The officer stated that the complainant crossed the street against the red hand. The complainant was issued a citation for violation of CVC section 21456 (b). There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer grabbed his arm without warning and threw him against the wall causing his glasses to break. The officer denied the allegation. The officer stated that the complainant was not obeying his commands to stop so he grabbed his arm and stated the complainant pulled away. The officer then grabbed the complainant's arm in a bent wrist control hold and faced him against a window in order to handcuff the complainant. There were no witnesses. There is insufficient evidence to prove or disprove that the physical control the officer employed was excessive and that the complainant resisted during the incident.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/10 **DATE OF COMPLETION:** 08/25/10 **PAGE# 1 of 3**

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

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

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

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

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

FINDINGS OF FACT: The officer stated the parked vehicle's registration was over six months expired and in violation of the California Vehicle Code. The vehicle was registered to an individual other than the complainant. The complainant corroborated the parked vehicle's registration expired in March 2008. The witness stated the registration was expired and had not been driven. 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: 02/22/10 **DATE OF COMPLETION:** 08/25/10 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION # 3 : The officer towed the vehicle without justification.

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

FINDINGS OF FACT: The officer stated the parked vehicle's registration was expired for over six months. California Vehicle Code section 22651(o), states a peace officer may remove a vehicle found upon a highway with a registration expiration date in excess of six months. The complainant corroborated the vehicle had expired registration for over six months. 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's behavior was retaliatory against the complainant.

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

FINDINGS OF FACT: The officer denied he retaliated against the complainant due to his prior contacts involving the complainant's wife. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/22/2010 **DATE OF COMPLETION:** 08/25/10 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer used unnecessary force on the complainant.

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

FINDINGS OF FACT: The vehicle was not registered to the complainant and the complainant was unable to provide sufficient proof of ownership. The complainant attempted to reenter his vehicle to retrieve property after the tow truck had lifted the vehicle. The officer told the complainant several times he could not reenter the vehicle. The complainant tried to push past the officer. The officer put his hands up to stop the complainant's forward movement and to prevent him from entering the vehicle. Again, he told the complainant he could not get into the vehicle. The complainant made a second attempt to push past the officer. The complainant walked into the officer's hands so he gave him a push away to create some distance. The complainant was forced back slightly by the push. The officer said the push was to protect himself and to create distance from the complainant. The officer denied that he grabbed the complainant's left shoulder and chest and pushed him on his back. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The officer denied using any profanity toward the complainant. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/19/10 **DATE OF COMPLETION:** 08/03/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he should not have been arrested. The officers stated the complainant sold narcotics to an undercover officer. The complainant did not respond with his statement and witness information. A witness indicated the complainant stole her narcotics that were used in the arrest and made a false complaint against the officers. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer wrote an incomplete/inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated the police report was false. The officers stated the incident report was accurate. The officers observed the complainant sell narcotics to an undercover officer. The complainant did not respond with his statement and witness information. 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: 02/20/10 **DATE OF COMPLETION:** 08/03/10 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The officer denied the allegation of making inappropriate comments or engaging in inappropriate behavior. The witness officer corroborated the account of the named officer's behavior. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer's policing was biased, due to the complainant's race.

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

FINDINGS OF FACT: The officer denied the allegation of biased policing, due to the complainant's race. The named officer said the complainant's race had no bearing on his actions or conduct during his contact with the complainant. The named officer said he treats everyone in a professional manner. The witness officer corroborated the named officer treated the complainant in a professional manner. The complainant wondered if the officer could be racist due to his hostile, aggressive and belligerent behavior towards him. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/20/10 **DATE OF COMPLETION:** 08/03/10 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: The officer failed to take required action while investigating a threat call from the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. The named officer stated the complainant refused to cooperate with his initial interview, screamed at him the entire time, and then walked away from the officer terminating the contact. The witness officer corroborated the named officers attempts to interview the complainant regarding the threats. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used profane language.

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

FINDINGS OF FACT: The officer denied the allegation of using profane language toward or about the complainant. The witness officer denied the named officer used any profane language. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/20/09 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers issued an invalid order.

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

FINDINGS OF FACT: Public parking garage customers left their cars parked in the garage beyond closing time. The complainant said a sign is posted informing the customer of a surcharge in addition to the regular parking fee if customers demand to retrieve their vehicles after closing time. At the time of this incident, the customers said no such sign existed and demanded they be allowed to exit the garage with their vehicles. The complainant alleged the officers told him to allow the customers to leave without paying the surcharge. The officers said they looked for the sign along with the complainant. Neither the officers nor the complainant saw the sign posted where the customers entered or exited the garage. The officers admitted telling the complainant he could not hold the customers inside the garage against their will. The officers informed the complainant the customers would have to pay the normal parking fee without paying the additional surcharge. The officers informed the complainant to pursue the surcharge through the civil court system, and directed the customers to provide the complainant with their names and addresses. Accordingly, the customers paid the parking fee and provided the information to the complainant as directed. The investigation failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: This incident originated over a pay dispute at a public parking garage. The complainant alleged the officers told him to allow the parking garage customers to leave the garage without paying the surcharge (a fee for re-opening the garage after closing time), or the complainant would be arrested. The officers admitted informing the complainant that in general, someone could not be held against their will. The officers specifically denied telling the complainant he would be arrested if he did not allow the customers to exit the garage in their vehicles. The officers said they proposed other civil remedies to settle the matter to which the customers and the complainant agreed. The investigation failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/10 **DATE OF COMPLETION:** 08/18/10 **PAGE#** 1 of 2

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

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

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

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/10 **DATE OF COMPLETION:** 08/18/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #1:The officer failed to summon a supervisor when requested.

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

FINDINGS OF FACT: The complainant requested 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: 03/08/10 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The officers detained and handcuffed the complainant for officer safety at the commencement of the execution of a Search Warrant. The complainant was identified in the search warrant. The officer gave the complainant a Certificate of Release. The actions of the officers were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers behaved in an inappropriate manner.

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

FINDINGS OF FACT: The officers denied committing the alleged acts or justified their actions as within the scope of the Federal Search Warrant. There is insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/10 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #5-6: The officers conducted a search without cause.

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

FINDINGS OF FACT: The officers were in possession of a duly executed and signed search warrant. The actions of the officers were within the parameters of the search warrant. The complainant signed a Consent to Search Form for properties not listed in the search warrant. The actions of the officers were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #7- 8: The officers engaged in a prolonged detention of the complainant.

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

FINDINGS OF FACT: The officers executed a lawful search warrant and the complainant signed a Consent to Search additional properties thereby extending the detention. The complainant was provided with a Certificate of Release. The actions of the officers were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/10 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #9-10: The officer failed to take the required action.

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

FINDINGS OF FACT: The complainant said officers refused to tell him why they were searching his property. The complainant said he was given a copy of the Search Warrant listing only one address. Attachment A: to the Warrant lists the Location to be Searched, whereas Attachment B: lists the Items to be seized. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #11: The officer failed to return the complainant's property. This allegation raises matters outside OCC's jurisdiction.

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

FINDINGS OF FACT: The Search Warrant was executed by Federal Drug Enforcement Agents with the assistance of the San Francisco Police Department. The Incident Report documents that all evidence removed from the properties was retained by the Drug Enforcement Agents, therefore, the complainant's property is in the possession of the Federal Drug Enforcement Agent not the San Francisco Police Department.

This allegation raises matters outside OCC's jurisdiction. This allegation has been referred to:

Drug Enforcement Administration
450 Golden Gate Ave.
P.O. Box 36035
San Francisco, CA 94102
415/436-7900

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/10 **DATE OF COMPLETION:** 08/13/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 12, 2010.

SUMMARY OF ALLEGATION #2: The officer behaved and spoke inappropriately to the complainant.

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

FINDINGS OF FACT: By mutual agreement of the complainant and accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 12, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/10 **DATE OF COMPLETION:** 08/13/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #1: The officer refused to answer reasonable questions.

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

FINDINGS OF FACT: By mutual agreement of the complainant and accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 12, 2010.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 12, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/29/10 **DATE OF COMPLETION:** 08/20/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1:The officer detained the complainant for an unreasonable length of time.

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

FINDINGS OF FACT: The complainant stated he was rushing to the hospital with his wife, who was having labor pains, and that therefore the officer should not have detained him for as long as he did. The complainant did not contest that he had run a red light. The complainant stated the detention lasted 10-20 minutes. The officer stated the length of the detention was reasonable and necessary. SFPD records show the detention to have been less than 10 minutes, which is reasonable, particularly since the complainant had an out-of-state driver's license. The officer's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/10 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officers were dispatched to a residential building for a citizen standby. They escorted the witness to the complainant's residence in order to retrieve her personal belongings. The officers stated the complainant consented by opening the front door to allow them into her residence. One of the named officers said the complainant verbally consented by saying, "Sure," and opened the door wider for their entrance. The witness corroborated the complainant opened the door and let them inside to retrieve her personal items. 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 pushed the complainant when he entered her residence.

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

FINDINGS OF FACT: The officer denied making any physical contact with the complainant upon entering her apartment. The witness and witness officer corroborated the named officer did not make any physical contact or push the complainant when he entered her apartment. Both officers and witness denied the complainant staggered back with her hands in the air to display she was not resisting the named officer. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/10 **DATE OF COMPLETION:** 08/18/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. A witness stated he did not hear the officer use profanity and said the complainant used profanity, but it is unclear whether the witness heard every word the officer uttered. Two witnesses described the complainant's behavior as very aggressive, disruptive and belligerent. One witness described the officer's behavior as professional. There were no other identified witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer conducted himself in an intimidating manner toward the complainant.

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

FINDINGS OF FACT: The officer denied the allegation. A witness denied observing the officer conduct himself in the alleged manner and described the officer's behavior as professional. Two witnesses described the complainant's behavior as very aggressive, disruptive and belligerent. There were no other identified witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/10 **DATE OF COMPLETION:** 08/18/10 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation. A witnesses denied that the officer used unnecessary force stating that at one point after the complainant had been asked to leave the officer placed his hand on the complainant's arm to escort him from the building. Two witnesses described the complainant's behavior as very aggressive, disruptive and belligerent. There were no other identified witnesses. By a preponderance of the evidence the officer did not use unnecessary force.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/10 **DATE OF COMPLETION:** 08/04/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer failed to properly book in specific funds when he was arrested and transferred to County Jail. In fact, the member booked the complainant's funds and noted them on the booking card. The funds were then transferred with the complainant and placed in the San Francisco County Jail Prisoner account. The San Francisco Sheriff's Department (SFSD) has responsibility for tracking prisoner's funds. A prisoner bearing the same first and last names, but a different date of birth was booked into County Jail soon after the complainant. The second prisoner was released prior to the complainant, and the complainant's funds were released to the second prisoner. SFSD notified the complainant in writing of the error and provided him with an appropriate remedy. The evidence proved that the named member was not involved in the acts alleged.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/26/10 **DATE OF COMPLETION:** 08/25/10 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The complainant alleged the officer was talking or texting on her cellular phone while on duty.

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

FINDINGS OF FACT: The complainant stated she observed a traffic officer's attention diverted from directing traffic at a busy intersection. She said she saw both of her hands moving below her waist, doing something with her phone that kept her from directing traffic. The officer admitted she was texting on her cellular phone, but did so for work related purposes. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/10 **DATE OF COMPLETION:** 08/17/10 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officer made a traffic stop without cause.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 10, 2010.

SUMMARY OF ALLEGATION #2: The officer demonstrated inappropriate and biased behavior/comments.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 10, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/10 **DATE OF COMPLETION:** 08/17/10 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: The officer demonstrated sexually and gender biased policing.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 10, 2010.

SUMMARY OF ALLEGATION #4: The officer failed to answer a reasonable question.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 10, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/10 **DATE OF COMPLETION:** 08/04/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that a man who struck his car several days earlier came to his home, behaved belligerently and assaulted him. Police arrived and the complainant described what had happened and said he wanted to make a citizen's arrest of his assailant. The officer told the complainant that if he pressed charges against the other man, both of them would be cited. The other man involved in the incident stated that he told the named officer that the complainant struck him and that he then struck the complainant. He stated that he told the named officer that if the complainant pressed charges against him, he would press charges against the complainant. The named officer wrote in his report that he told the complainant that if he pressed charges, the other man might press charges against him. The named officer wrote that he repeatedly asked the complainant if he wanted to press charges and the complainant said he did not. The complainant acknowledged that the named officer asked him how he wanted to handle the situation and that he declined to press charges. The evidence established that the action complained of was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/10 **DATE OF COMPLETION:** 08/31/10 **PAGE#** 1 of 1

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/10 **DATE OF COMPLETION:** 08/18/10 **PAGE #1** of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 16, 2010.

SUMMARY OF ALLEGATION #2: The officer demonstrated inappropriate behavior/comments.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 16, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/10 **DATE OF COMPLETION:** 08/18/10 **PAGE #2** of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 16, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/10 **DATE OF COMPLETION:** 08/20/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant admitted his vehicle had not been registered for more than six months.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/02/10 **DATE OF COMPLETION:** 08/04/10 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 3, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/10 **DATE OF COMPLETION:** 08/04/10 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer misused their police authority.

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

FINDINGS OF FACT: The complainant stated he was at a gas station when a woman in street clothes and in a private vehicle, identified herself as a police officer and issued him unwarranted orders. The complainant could not provide any information to identify the woman as a San Francisco police officer but did provide OCC with the vehicle license plate number of her car for identification purposes. OCC conducts administrative investigations only and therefore is not lawfully permitted access by the California State Department of Justice to DMV for license plate checks to determine vehicle ownership and identities. The San Francisco Police Department stated they were not permitted to run DMV vehicle checks for identification purposes for OCC as such checks are permitted only for criminal investigations. OCC checked Department personnel schedules and could not identify the woman as a member of the San Francisco Police Department. The OCC also checked for video footage of the incident at the gas station and no video exists of the interaction between the complainant and the woman. The OCC is referring the case for further investigation to:

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

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

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

FINDINGS OF FACT: The complainant stated he was at a gas station when a woman in street clothes and driving a private vehicle, identified herself as a police officer made inappropriate comments and acted inappropriately. The complainant provided a vehicle license plate number for identification purposes. The OCC conducts administrative investigations only and is not permitted access to DMV records to determine vehicle ownership and identification. SFPD stated they are not lawfully permitted to provide information to the OCC as such vehicle checks are for criminal investigation only. The OCC is referring the case for further investigation to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/16/10 **DATE OF COMPLETION:** 08/17/10 **PAGE #**1of 2

SUMMARY OF ALLEGATION #1-2: The officer failed to properly investigate.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 3, 2010.

SUMMARY OF ALLEGATION #3: The officer displayed a rude demeanor.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 3, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/16/10 **DATE OF COMPLETION:** 08/17/10 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #4: The officers engaged in inappropriate behavior.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 3, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/10 **DATE OF COMPLETION:** 08/31/10 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 20, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/10 **DATE OF COMPLETION:** 08/11/10 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The evidence proved that the acts which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/10 **DATE OF COMPLETION:** 08/04/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/10 **DATE OF COMPLETION:** 08/17/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 10, 2010.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 10, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/10 **DATE OF COMPLETION:** 08/31/10 **PAGE #1 of 2**

SUMMARY OF ALLEGATION #1: The officer asked the complainant to sign an inaccurate citation.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 18, 2010.

SUMMARY OF ALLEGATION #2-3: The officers threatened to arrest the complainant without cause.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 18, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/10 **DATE OF COMPLETION:** 08/31/10 **PAGE #2** of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 18, 2010.

SUMMARY OF ALLEGATION #5: The officer failed to return the complainant's driver license.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 18, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/10 **DATE OF COMPLETION:** 08/17/10 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The action described was so obviously imaginary that its occurrence is not admissible by any competent authority.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/10 **DATE OF COMPLETION:** 08/04/10 **PAGE #**1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/10 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The OCC has recommended a Policy Failure to the Department. The OCC has provided the Police Department specific recommendations concerning the withdrawal of out-of-date brochures and non-staffed Hot Line and distribution of current brochures electronically and at stations in targeted languages. The Department has implemented immediately some of these recommendations and is reviewing the feasibility of the remaining OCC recommendations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/10 **DATE OF COMPLETION:** 08/19/10 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/10 **DATE OF COMPLETION:** 08/13/10 **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 wrote that he was arrested for no reason. Public records on Megan's Law website showed that the complainant has been convicted of sexual offenses and he is required to register as a sex offender. A further search of the Megan's Law Website showed that the complainant was not registered as a sex offender and was in violation of registration requirements when he was arrested. Department records showed that the officer arrested the complainant for failure to register as a sex offender. The evidence showed that that the act alleged did occur, however, said act was lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/10 **DATE OF COMPLETION:** 08/19/10 **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency (SFMTA)
Department of Parking and Traffic (DPT)
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/02/10 **DATE OF COMPLETION:** 08/04/10 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers entered without cause.

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

FINDINGS OF FACT: The complainant stated the officers came to his residence, telling him they had a warrant for the arrest of a particular person. That individual had once resided with complainant, but had moved. The complainant told the officers the individual had moved and did not live with him anymore. The officers demanded entry and told the complainant they would forcefully enter if he failed to cooperate. The complainant admitted the officers. The complainant admitted that he still received mail for the individual in question and the OCC independently confirmed that the complainant's address was still the individual's address of record in the SFPD's database. The officers properly entered the complainant's home. 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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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/10 **DATE OF COMPLETION:** 08/09/10 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officers failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated officers never took any incident reports after she reported her neighbor was gaining unlawful entry into her apartment and taking her property on repeated occasions. The investigation revealed five incident reports have been written. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/10 **DATE OF COMPLETION:** 08/19/10 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/09 **DATE OF COMPLETION:** 08/04/10 **PAGE #1 of 4**

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

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

FINDINGS OF FACT: The complainant was arrested for selling narcotics. The officers arrested three other individuals who were under surveillance along with the complainant. The incident report written by the named member documents conduct that was consistent with narcotics transactions. The incident took place in a high crime area known for narcotics sales.

At the time of the arrest, the complainant had an extensive criminal record for narcotic and weapons charges and in her statement she identified herself as a drug dealer in the past but claimed to have changed. The incident report documents that suspected narcotics were booked as evidence. These narcotics were found on a shelf where the officer had observed the complainant hiding them. The complainant was arrested and strip searched but no drugs were found on her person. The complainant was arrested for Health and Safety Code section 11352 (a) and Penal Code section 182 violations. A preponderance of the evidence proved that the officer had probable cause to arrest the complainant; therefore, the officer's conduct was lawful and proper.

SUMMARY OF ALLEGATION # 2: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant said she was racially profiled because at the time there were other drug dealers on the street selling drugs yet she was the only one arrested. The officer denied the allegation. The officer stated that most of the drug dealers in that area are African-American and stated that three other African-Americans were arrested along with the complainant. The incident report documents that the three other suspects were also African-American. A preponderance of the evidence proved that the officer did not engage in selective enforcement based on the race of the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/09 **DATE OF COMPLETION:** 08/04/10 **PAGE #2 of 4**

SUMMARY OF ALLEGATION # 3-5: The officers exceeded the scope of the strip search.

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

FINDINGS OF FACT: The complainant stated that the officers did a body cavity search on her. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ADDED ALLEGATION #6-8: The officers exhibited inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers told her to shut up and called her a liar. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/09 **DATE OF COMPLETION:** 08/04/10 **PAGE #3 of 4**

SUMMARY OF ALLEGATION # 9-11: The officers used force at the station.

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

FINDINGS OF FACT: The complainant said the officers pushed her down to the ground and were physically mistreating her while they attempted to strip search the complainant. One officer stated the complainant was verbally combative and it took a while for her to comply during the strip search. The officers denied using force. The medical record documents a back strain. The complainant stated she started fighting the officers when she felt the officers were touching her body cavity. The officers stated the complainant did not complain of pain or injury. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 12-14: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated the officers used profanity during the strip search. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/09 **DATE OF COMPLETION:** 08/04/10 **PAGE #4 of 4**

SUMMARY OF ALLEGATION # 15: The sergeant failed to supervise.

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

FINDINGS OF FACT: The complainant stated she was yelling for a sergeant to respond when the officers used force during the strip search. The sergeant did not hear the complainant yell nor did either the officers or the complainant bring any issues to his attention. 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: 08/24/10 **DATE OF COMPLETION:** 08/26/10 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Investigations Unit
850 Bryant Street, Room 400
San Francisco, CA 94103

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/25/10 **DATE OF COMPLETION:** 08/26/10 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/25/10 **DATE OF COMPLETION:** 08/27/10 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The action described was so obviously imaginary that their occurrence is not admissible by any competent authority.

SUMMARY OF ALLEGATION #2: This complaint is not within OCC's jurisdiction.

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

FINDINGS OF FACT: The evidence proved that the action complained of did not involve a sworn member of the San Francisco Police Department. The complaint has been forwarded to:

San Francisco State University Police Department
1600 Holloway Ave.
San Francisco, CA 94132

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/10 **DATE OF COMPLETION:** 08/27/10 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: This complaint is not within OCC's jurisdiction.

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

FINDINGS OF FACT: The evidence proved that the action complained of did not involve a sworn member of the San Francisco Police Department. The complaint has been forwarded to:

SFMTA
1 South Van Ness Ave
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/25/10 **DATE OF COMPLETION:** 08/27/10 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: This complaint is not OCC's jurisdiction.

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

FINDINGS OF FACT: The allegation raises matters not within OCC's jurisdiction. It has been forwarded to:

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 08/25/10 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers detained the complainant for a mental health evaluation without justification.

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

FINDINGS OF FACT: The complainant stated the officers detained her without justification. The investigation and evidence showed that the complainant was not acting rationally when the officers contacted her, therefore the officers lawfully detained her for a mental health evaluation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/10 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Office
Investigative Services unit
25 Van Ness Avenue, Rm. 350
San Francisco, CA 94102

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/09 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainants stated that the officers arrested them without any legitimate reason. According to the named members, they arrested the complainants because two merchants told them the complainants had passed counterfeit currency and identified them during a cold show. These two witnesses did not respond to the OCC's requests for an interview. The OCC's investigation revealed discrepancies concerning the complainants' and officers' actions in the statements from the involved parties to the incident. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force at the scene.

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

FINDINGS OF FACT: The complainants stated that the officers used excessive force during the arrest that resulted in the shoulder injury of one of the complainants. The named members stated that they used the Department authorized training to place the complainant into custody because he did not comply with the their oral commands. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/18/09 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 2 of 5

SUMMARY OF ALLEGATIONS #5-6: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainants stated that they were arrested because the officers did not thoroughly investigate the incident. When questioned by the OCC, the named members admitted that they were not familiar with the requirements of the Department policy specifically addressing the type of incidents, in which the complainants were involved. 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. The allegation is sustained.

SUMMARY OF ALLEGATIONS #7-8: The officers failed to take required actions

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

FINDINGS OF FACT: The complainant stated that the officers did not handle the incident and the subsequent investigation properly. The named members admitted that that they did not follow specific procedures set forth in the Department Bulletin applicable to case at hand. A preponderance of the evidence proved that that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper. The allegation is sustained.

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DATE OF COMPLAINT: 09/18/09 **DATE OF COMPLETION:** 08/30/10 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #9-10: The officers failed to comply with the DGO 5.20.

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

FINDINGS OF FACT: The complainants stated that they had limited English abilities but the officers did not provide them with the necessary language assistance despite numerous requests. The named members stated that the complainants communicated in English perfectly well and there was no need for interpreting services. Four other members, who interacted with the complainants during the incident, supported these statements. The OCC's investigation revealed that the complainants were, in fact, limited English proficiency persons, as defined in the DGO 5.20, and that the officers failed to comply with the requirements set forth by this General Order. 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, this conduct was improper. The allegation is sustained.

SUMMARY OF ALLEGATION #11: The officer failed to write an accurate report.

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

FINDINGS OF FACT: The complainants stated that the report regarding their arrest was inaccurate. The named member stated that his report accurately described the events of this incident but acknowledge that he did not include in it several aspects relevant to the investigation. A subject matter expert, who reviewed the report in question on request from the OCC, stated that the said report was "weak" and "did not sufficiently articulate probable cause" for the complainants' arrest. 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, this conduct was improper. The allegation is sustained.

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SUMMARY OF ALLEGATION #12: The officer acted inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: One of the complainants stated that the officer acted inappropriately and made inappropriate comments during the incident. The named member denied the allegation. The statements from the second complainant and from several other officers involved in the incident were inconclusive regarding this aspect of the occurrence. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #13-14: The officers engaged in biased policing.

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

FINDINGS OF FACT: The complainants stated that the officers' handling of the incident was motivated by their bias towards them. The named members denied the allegation. The statement from a civilian witness and several other officers involved in the incident were inconclusive regarding this aspect of the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to properly supervise.

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

FINDINGS OF FACT: The evidence obtained by the OCC during the investigation of the underlying complaint, proved that the act by the member was justified by the existing Departmental policy, procedure, or regulation; however, the OCC recommends a change in the particular policy relevant to the specific aspects of the incident.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/14/09 **DATE OF COMPLETION:** 08/03/10 **PAGE#** 1 of 4

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 stated he argued with a friend after his friend damaged his property and refused to clean up afterward. His friend left and allegedly injured himself as he departed. The complainant denied causing injury to his friend, stating the officers lacked probable cause to arrest him. The complainant's friend stated he and the complainant had argued over a sexual encounter. The complainant physically attacked his friend, choking and punching him, injuring his eye and bruising his throat. The friend was able to escape and call the police. The Office of Citizen Complaints obtained the audio recording of the call to 911 immediately after the attack. The record contained an apparent spontaneous utterance of fear by the complainant's friend. He detailed how the complainant attacked and injured him. The police arrived approximately one to two minutes after the 911 call. The officers stated they spoke to the complainant's friend and observed his injuries. Based on the evidence, the officers had probable cause to arrest the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-5: The officers entered the complainant's room without justification.

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

FINDINGS OF FACT: Officers responded within two minutes to the scene of an aggravated assault with force and sought to arrest the complainant, who was locked in his room. They observed the victim's injuries moments before, and knew from the victim that the alleged perpetrator, the complainant, was in a specific room. The officers first sought the complainant to voluntarily leave his room, but he failed to comply. Video evidence showed that the officers knocked on the door and waited for the complainant to come out. The officers waited for approximately one minute for the complainant to comply. The complainant stated the officers did not give him an opportunity to comply with orders to exit his room. The complainant stated he wanted to explain his version of events. The witnesses provided differing accounts of what occurred and did not witness the entire incident. The officers denied the allegation. They were in fresh pursuit of the complainant. 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 wrote an inaccurate and incomplete incident report.

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

FINDINGS OF FACT: The complainant stated that officers used unnecessary force on him when they took him into custody. The officer wrote the complainant failed to complain of pain or injury. The officer denied seeing any officer at the scene use reportable force. The named officer further stated that none of the responding officers told him they utilized reportable force at any time during the incident. The witnesses did not observe the entire incident. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #7-8: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant said officers used unnecessary force to take him into custody. The complainant stated he was struck in the ribs on the right side, his hair pulled, and that he was stepped on. The police report stated that the complainant failed to comply with officer instructions during his arrest. The only physical contact mentioned in the report stated that a single officer utilized a bar arm takedown in order to take the complainant into custody. A video camera recorded the incident. The video shows multiple officers contacting a resisting complainant, including an officer in a short-sleeved uniform shirt repeatedly striking the complainant on his right side. The video also shows the named officer deploying her baton and moving it twice in a downward jabbing motion, before the officer goes out of the camera's view. Due to the poor quality of the video, there was insufficient evidence to identify the officer who struck the complainant with a closed fist. The officer's immediate supervisor denied being told of any reportable force. Not all of the witnesses came forward. The available witnesses did not observe the entire incident. All officers involved in this arrest were interviewed and have denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #9: The officer failed to summon medical attention.

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

FINDINGS OF FACT: The complainant said that he requested medical attention numerous times during the course of his arrest. He alleged such requests were either ignored or that he was threatened with beatings. The available witnesses did not observe the entire incident. The officer denied the allegation. The officer filled out a medical screening form at the station. He certified that the complainant did not make a complaint at the station requesting immediate medical attention. When the complainant was booked at San Francisco County Jail on the same day, the San Francisco Sheriff's Department Booking card came back with a code "4," meaning the complainant was medically cleared. The Registered Nurse who cleared the complainant on triage duty did not report or observe any medical problems with the complainant. The complainant did not return a signed HIPAA compliant medical release form to the Office of Citizen Complaints and the postage was not returned to Office of Citizen Complaints. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #10-11: The officers interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant said that officers blocked the view of percipient witnesses. There were at least three civilian witnesses to the complainant's arrest. The incident occurred in the hallway of a hotel where the complainant rents a room. The witnesses stated they heard a commotion outside their room. They heard the voices of their neighbor and the police. One witness began watching through the peephole in his door, but when the scene escalated, he opened the door. Another witness was inside. The witnesses stated that a female and a male officer stood in front of the door during the incident, and ordered them to stay inside, although they remained inside. A third witness made inquiries of a third officer. That officer waved the witness away. The available witnesses did not observe the entire incident. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 09/14/09 **DATE OF COMPLETION:** 08/03/10 **PAGE #4** of 4

SUMMARY OF ALLEGATION #12: The officer made inappropriate comments and/or acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant said he heard a female police officer at the door, demanding that he open the door. When he asked to tell his side of what occurred, the officer allegedly responded, "We don't want to hear shit," and reiterated that he open his door. The available witnesses did not consistently describe the gender of the voice they heard knocking at the door, nor did they see who knocked. The officer stated she spoke to the complainant through his door, but denied making any inappropriate comments. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was punched by the officers in his right rib area while being taken into custody. A video camera was in place and recorded the incident from a distance, but was of poor quality. The report author stated he used a bar arm takedown on the complainant. However, the officer did not control the complainant alone. His report did not detail that he received assistance from a minimum of five additional officers. Although the officers denied using reportable force, a video surveillance camera recorded a reportable use of force by an unidentifiable officer. One officer, likely a male, struck the complainant with a closed fist a minimum of six times. Another officer deployed her baton and appeared to jab at the complainant twice in his right rib area before disappearing from the camera's view. The officer claimed no officer told him she or he utilized force. The officer also claimed he did not observe the force himself. As a result, he was not required to either report it or record it. There was insufficient evidence to prove or disprove the added allegation.

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DATE OF COMPLAINT: 09/18/09 **DATE OF COMPLETION:** 08/16/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer charged him, choked him, and left him unconscious for ten to twenty minutes. The named officer stated he conducted a department taught leg sweep on the complainant when the complainant took aggressive steps toward his partner. The named officer's partner supported his account. A witness, who called the police, supported the officers' account. The complainant's girlfriend wrote a statement stating that the complainant was tackled, jumped and choked. The complainant's girlfriend did not come forward for an interview. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer entered the residence without cause.

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

FINDINGS OF FACT: The complainant stated while he was unconscious, the officers ransacked his room without a search warrant. The officers interviewed by the OCC denied entering the complainant's room. A witness, who called the police, said the officers stood in the hallway while the complainant moved his belongings. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/18/09 **DATE OF COMPLETION:** 08/16/10 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated he made a temporary agreement with management to move to another room and the police had no right to interfere with a civil dispute. The named officer stood by while his partner knocked on the complainant's door and ordered him to open the door. The named officer stated the manager wanted the complainant arrested for trespassing because the complainant did not adhere to the agreement, agreed upon by both parties. The manager stated the complainant kept both keys and occupied both rooms without authorization. The complainant established tenancy in the room making it a civil not criminal dispute. The evidence proved that the action complained of was the result of inadequate or inappropriate training; or absence of training when viewed in light of Departmental policy and procedure.

SUMMARY OF ALLEGATIONS #4: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant stated he made a temporary agreement with management to move to another room and the police had no right to interfere with a civil dispute. The named officer stated the manager wanted the complainant arrested for trespassing because the complainant did not adhere to agreement, agreed upon by both parties. The named officer wrote in his report that he knocked on the complainant's door and ordered him to open the door. The incident was a civil dispute between a tenant and a landlord and had no criminal implications, as such the named officer had no legal authority to order the complainant to open his door. A preponderance of the evidence proved that the conduct complained of did occur; and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #5: The officers damaged the complainant's property

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

FINDINGS OF FACT: The complainant stated while he was unconscious, the officers ransacked and damaged his personal property and collectibles. The officers interviewed denied entering the complainant's room or damaging his property. The manager stated the complainant damaged his own property by violently throwing it against his wall. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was attending a baseball game at AT&T Park when stadium officials summoned the police to remove him from the stadium. Three police officers escorted him out of the park. There is no dispute that the complainant and girlfriend / the co-complainant had been drinking, but the complainant denied that he was drunk. Both the complainant and co-complainant stated the officer pushed the complainant without cause. The complainant and his girlfriend / co-complainant stated that the named officer “used an open hand to push his shoulder”. The complainant made no complaint of pain or that he sustained an injury. The officer denied pushing the complainant. The officer’s partner stated he escorted the complainant out of the ballpark and denied touching him. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation made in the complainant.

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments

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

FINDINGS OF FACT: The complainant stated the officer was rude, condescending and provoking. The complainant further stated the officer told his girlfriend to “stop acting ghetto”. The co-complainant stated the officer told her to “stop acting ghetto”. The officer denied the telling the co-complainant to “stop acting ghetto”. The officer’s partner did not recall the incident. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complainant.

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DATE OF COMPLAINT: 09/24/09 **DATE OF COMPLETION:** 08/30/10 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that an officer repeatedly kned him in the ribs, fracturing his ribs while the complainant was handcuffed on the ground and was not resisting. The description the complainant provided most closely matched that of the named officer. The complainant's medical records document no fracture to his ribs. A civilian witness stated that he saw the complainant attempt to ingest suspect drugs, and saw several officers keep the complainant from swallowing them. Officers then carried the complainant to a patrol car while he physically resisted. This witness did not see any officer strike the complainant. Another civilian witness who was in the car the complainant had been riding in stated that he heard officers yelling to the complainant about something he put in his mouth, and saw an officer attempting to open the complainant's mouth. He saw the officers and the complainant go to the ground, and saw the complainant flailing around. A third civilian witness who was driving the car the complainant was in stated that he saw multiple officers on top of the complainant and saw one officer (whose description matched that of the named officer) appear to strike the complainant in the torso area with his knee. The named officer stated that when the complainant attempted to swallow drugs, he used a leg sweep to take the complainant to the ground and attempted to prevent him from swallowing the drugs. This officer stated that while escorting the complainant to a patrol car, he took the complainant to the ground a second time when the complainant tried to push him off balance. This officer denied striking the complainant with his knee. One witness officer stated that he did one knee strike to the complainant's right side when the complainant resisted being taken to the patrol car, but denied seeing any other officer strike the complainant with his knee. Other witness officers stated that they did not see any officer strike the complainant repeatedly with a knee. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to provide prompt medical attention.

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

FINDINGS OF FACT: The complainant stated that officers failed to respond to his request at the scene of his arrest for medical attention for a fractured rib. The officers who were present denied that the complainant requested medical attention at the scene of his arrest. The officers who transported the complainant to the station stated that the complainant complained of chest pain at the station, and that paramedics were summoned and responded to examine him. The complainant's medical records document no fracture to his ribs. A civilian witness who was in the car the complainant had been riding in stated that he heard the complainant say something at the arrest scene about his rib being broken. Another civilian witness stated that he did not hear the complainant complain of pain or of an injury at the scene. A third civilian witness who was driving the car the complainant was in stated that he did not recall the complainant saying at the scene that he was injured or in pain. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 10/15/09 **DATE OF COMPLETION:** 08/04/10 **PAGE#** 1 of 6

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 said the officers arrested her without cause for possession of cocaine base for purposes of sales, but the officers only found marijuana on her possession during a strip search at the police station. The officers stated that during their surveillance of the complainant and her companion they saw the complainant conduct numerous narcotic transactions of off white substances and exchanging currency with each other and with buyers on the street. The officers stated they also observed the complainant pulling out of her crotch area a plastic baggie from where she distributed to her female companion numerous off white substances that the female companion and herself sold to passer-bys. The officers located during strip searches of the complainant and the other female twenty-three rocks of cocaine secreted within the other female's vagina. The officers' actions to arrest the complainant for selling, furnishing, administering or giving away controlled substances classified in Schedule III, IV, or V and conspiracy were lawful and proper.

SUMMARY OF ALLEGATION #3: The officer failed to loosen the handcuffs.

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

FINDINGS OF FACT: The complainant alleged she told the officer that the handcuffs on her wrists were tight and requested they be loosened. The officer was not identified in SFPD documents as part of the arrest team and other witnesses could neither verify nor deny the officer was involved in escorting the complainant to the station when the alleged request took place. The officer stated she might have escorted the complainant on foot to the station, but could not recall. The officer also stated that the complainant might have complained of tight handcuffs and requested to loosen them up, but she had no present recollection. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer used excessive force while in custody.

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

FINDINGS OF FACT: The complainant denied resisting to walk while being escorted to the station on foot and alleged the officer pulled her handcuffed right arm up to the middle of her back without justification. Other witnesses escorting other prisoners and observing the arrests could neither verify nor deny the allegation. Although the officer stated she could not recall if she escorted the complainant on foot to the station or if the complainant was resistant or unwilling to walk, she would have applied a rear bent wrist control for compliance, which is an academy taught control technique. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5-6: The officers invaded the complainant's privacy.

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

FINDINGS OF FACT: The complainant alleged her privacy rights were violated because there were three female officers present and participating in her strip search in a private room without windows. The complainant alleged that a plainclothes officer aimed her flashlight at her vagina while a uniformed officer laughed at her and accused her of having something inside her vagina. Furthermore, the complainant alleged the plainclothes officer asked her to spread her cheeks further apart and ordered her to cough harder for approximately twenty minutes while squatting nude in a bent position. The three officers inside the strip search room denied the allegation, and stated there is no restriction on the number of officers from the same gender allowed to be present during a strip search. There is no independent witness to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7-9: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant alleged she was repeatedly and purposefully delayed access to a bathroom because officers and a supervisor suspected she was concealing narcotics within her vagina. Although a male officer heard the complainant was urinating on the floor of the female holding cell, all officers and supervisors in the station denied hearing the complainant request to use a bathroom until mid morning, when the complainant was escorted to the bathroom by two female officers to defecate. Evidence from the statement of probable cause in support of the search warrant to conduct a body cavity search on the complainant established that the complainant was given access to a bathroom around her fifth hour in custody about the time a judge commanded officers to give the complainant one last opportunity to voluntarily surrender any concealed narcotics within her person before he would sign the warrant.

Two subject matter experts and trainers at the SFPD Academy acknowledged there is no specific training for recruits during basic training, the field training officer program, or during officers' P.O.S.T. advance training to balance a prisoner's right to basic necessities while ensuring that prisoners suspected of concealing narcotics within his/her person could not discard the contraband while using a bathroom. The OCC recommends the SFPD establish a protocol with specific procedures and incorporate it into the booking and detention segment at the basic academy. The training would include practical scenarios to instruct officers to safeguard a prisoner's right to basic necessities while preventing the prisoner from discarding or destroying concealed contraband while an inspector prepares and obtains a magistrate's signature for a body cavity search warrant.

The OCC further recommends the department meet and confer with San Francisco General Hospital's Risk Management regarding SFGH personnels' refusal to honor a signed search warrant for body cavity searches when the prisoner would not give consent to the procedure. Finally, the OCC recommends that should SFGH personnel refuse to honor a signed search warrant, that SFPD direct its officers to instead transport prisoners to County Jail Medical Services or other medical facilities where a body cavity search warrant would be honored.

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SUMMARY OF ALLEGATION #10-11: The officers' behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated that a female officer and an unidentified sergeant made inappropriate comments and behaved badly toward her. The officers and supervisors involved with the complainant while in custody denied the allegation. The other female arrested and in custody with the complainant did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The officer used profane language.

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

FINDINGS OF FACT: The complainant alleged a sergeant in the station used profane language while explaining to another officer how they were going to leave the complainant handcuffed to the bench all night until the suspected narcotics concealed within her would fall out. All officers and supervisors involved with the complainant's custody at the station denied the allegation. The other female arrested and in custody with the complainant did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #13: The officer used a racial slur.

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

FINDINGS OF FACT: The complainant said the officer used a racial slur inside a hospital treatment room. The officer denied the allegation. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #14: The officer used a sexual slur.

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

FINDINGS OF FACT: The complainant said the officer used a sexual slur toward her inside a hospital treatment room. The officer denied the allegation. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #15: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant said the officer's behavior and comments toward her inside a hospital treatment room were inappropriate. The officer denied the allegation. There were no witnesses 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 issued a citation without cause.

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

FINDINGS OF FACT: The officer stood by the validity of his citation. The complainant was not present at the incident. The material witness did not cooperate with the OCC investigation and did not provide a statement. There were no witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. The complainant was not present at the incident. The material witness did not cooperate with the OCC investigation and did not provide a statement. There were no witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer denied the allegation. The complainant was not present at the incident. The material witness did not cooperate with the OCC investigation and did not provide a statement. There were no witnesses. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-4: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant alleged that several unknown officers used force during his arrest. The officers at the scene were interviewed. The officers acknowledged force was used during the contact with the complainant but denied the force was excessive as articulated by the complainant. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complainant alleged he was arrested without cause. The officers stated they were searching for a suspect when they encountered the complainant. The officers stated when they attempted to handcuff the complainant he resisted and struck an officer. The complainant was arrested for resisting arrest and assaulting an officer. The complainant stated he "broke free" from the officers. 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 #7: The officers failed to provide their names and/or star numbers upon request.

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

FINDINGS OF FACT: The complainant stated he asked for names and badge numbers from all the officers. The complainant did not identify the officers. All of the involved officers were interviewed and denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officers failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated the officers did not read him his Miranda rights. The complainant did not identify the officers. A Miranda advisement is required when a suspect is in custody and subject to interrogation. The involved officers were interviewed and stated the complainant was not read his Miranda rights because he was not being questioned about a crime. The complaint did not state that he was questioned about a crime. 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 #1: The officer failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated that the officer failed to write an incident report. Department records show that the officer completed an incident report that was entitled “suspicious occurrence”. The narrative of the report documented both the complainant’s and a second person’s account of what occurred during the “suspicious occurrence.” The evidence shows that the officer completed an incident report.

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

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

FINDINGS OF FACT: Department Records show that another officer, the named officer’s partner wrote an incident report for this matter. The evidence showed that the act alleged did not occur.

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

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

FINDINGS OF FACT: The complainant stated he should not have been arrested. The complainant said he was leaving a friend's residence when the police confronted him. The officers stated they responded to a prowler call. The officers said the complainant fled on foot and was subsequently placed under arrest for firearms violation. The witness has not responded to OCC requests to provide a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS # 3-4: The officers' behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer tussled with him while he was handcuffed. The complainant said the officer told him to shut up and covered the complainant's mouth. The complainant further alleged that an unknown officer commented that the complainant was playing games and that they should stick him in the heart with a needle. The officer denied the allegation. The witness has not responded to OCC requests to provide a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS # 5-7: The officers displayed their firearms at the complainant.

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

FINDINGS OF FACT: The complainant said he was exiting his friend's residence when officers drew their firearms at him. The officers admitted they drew their firearms at the complainant, because he fled on foot, disobeyed verbal commands to stop, and hid from them. The officers said firearms associated with the complainant were found nearby. The witness has not responded to OCC request to provide a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #8-11: The officers used force during their contact with the complainant.

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

FINDINGS OF FACT: The complainant stated the officers tussled with him, struck his head on the ground, tried to shut him up by covering his mouth. The officers denied the allegation. The witness has not responded to OCC request to provide a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS # 12-13: The officers failed to loosen tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant stated his handcuffs were on too tight and he asked the officer to loosen them, but the named officer refused. The complainant said he asked other officers at the station to loosen his handcuffs but no one did. The officers involved in the complainants arrest along with station duty officers were questioned and all have denied the allegation. The witness has not responded to OCC request to provide a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated in her written statement that the officer behaved inappropriately. The officer denied the allegation. No independent witness came forward during the investigation. The complainant failed to provide additional requested evidence. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer did not prepare an accurate and complete report.

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

FINDINGS OF FACT: The complainant stated in her written statement the officer omitted her statement in an incident report. The complainant failed to provide additional requested evidence. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer did not allow the complainant to take her personal items with her when she was arrested.

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

FINDINGS OF FACT: The complainant stated in her written statement the officer refused to allow her to take her purse and clothing with her when she was arrested. The complainant failed to provide additional requested evidence. 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 for impeding the flow of traffic without cause.

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

FINDINGS OF FACT: The complaint stated that the officer cited her without any legitimate reason for this violation because there were no cars either behind or in front of the complainant's vehicle at the time. The officer stated that she cited the complainant for impeding the traffic because the complainant's car blocked the traffic lane for at least two vehicles. Two witness officers stated that they responded to the scene after the traffic stop had already been effected. The complainant failed to identify and/or provide contact information for her cousin, who was present during the incident. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer "snatched" her cell phone from her hand without any apparent reason. The named member denied the allegations. Two witness officers stated that they did not witness or recall how the complainant's cell phone was placed on the roof of the car. The complainant failed to identify and/or provide contact information for her cousin, who was present during this incident. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to record E585 data.

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

FINDINGS OF FACT: In the course of the investigation into the initial complaint, the OCC found that the officer failed to document the complainant's traffic stop, as required by the Department Policy on Traffic Stop Data Collection. At her OCC interview, the named member admitted that she did not record the complainant's traffic stop because she believed the Department policy requiring her to do so had expired. The Department Bulletin No. 08-268 (Additional Traffic Stop Data Collection Program Information) was issued on December 12, 2008 and it was in effect at the time of the incident. 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 ALLEGATIONS #1-2: The officers harassed the complainant.

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

FINDINGS OF FACT: The named officers denied the allegations that their arrests of the complainant were due to harassment. Department records indicated the complainant was arrested at least seven times in 2009, but only three times by either of the named officers. The causes for the arrests were various and were thoroughly documented in each report. No other witnesses came forward. The evidence proved the acts that formed the basis for the allegations occurred, but that such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant said the officers arrested him for violation of a stay away order after the order had been vacated by a court. The named officers denied the allegations. Court and Department Records indicated the complainant was not arrested for violation of the stay away order after the order had been vacated. The evidence proved that the acts alleged in the complaint did not occur.

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SUMMARY OF ALLEGATION #5: The officer pat searched the complainant without cause.

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

FINDINGS OF FACT: The named and one witness officer denied the allegation. The complainant could not specify the time when he was pat searched. The officers stated that they searched the complainant when they arrested the complainant. Department records show that the named officer has arrested the complaint on three occasions. The officers are required to search arrestees prior to transporting the arrested party. The officer's actions were proper.

SUMMARY OF ALLEGATION #6: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant said the named officer wrote a report alleging the complainant was arrested with narcotics, when he only possessed peanut crumbs, and that the officer wrote a report knowing the evidence was not narcotics. The named and one witness officer denied the allegation. No other witnesses came forward.

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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 stated the officer wrongfully detained her while the named officer and his partner detained her son during the course of a traffic stop. The complainant said she was only asking questions of the officers, but admitted she stood within a car length of the police investigation, and continued to ask questions during the police investigation. The officer stated he ordered the complainant to return to the sidewalk, but she failed to comply with his commands. 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 detained the complainant without justification.

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

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

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

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

FINDINGS OF FACT: The complainant stated the officer wrongfully cited her for delaying an investigation. The officer and his partner detained the complainant's son during the course of a traffic stop. The complainant said she questioned the officers during their investigation and admitted she stood within a car length of the police investigation. The officer stated he ordered the complainant to return to the sidewalk, but she failed to comply with his commands. 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 used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officer painfully twisted her arm and unnecessarily pushed her during the course of a detention. 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 engaged in racially biased policing

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

FINDINGS OF FACT: The complainant stated the officer asked her if she was under the influence of narcotics. The complainant stated this area of questioning was tantamount to racially biased policing. 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 ALLEGATION #1: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant said the officer was indifferent, inattentive, and lacked concern when he provided his victim statement. The officer and his superior denied the allegation. Another witness could neither verify nor deny the allegation. Three other witnesses did not respond to OCC requests for an interview. There was no independent witness that could either confirm or refute the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer ignored his requests to photograph his injuries, ignored his request to alert other officers about his earlier victim status, and did not assist him to get in contact with his friends inside the nightclub where he was not allowed to reenter. The complainant admitted that he did not attempt to contact his friends despite having their cellular telephone numbers. The officer and two witnesses denied the allegation. The evidence further established that both units involved in this investigation reported both incidents documenting the complainant's earlier status as a victim, and photographed him in relation to the named officers' report. The officer's actions were appropriate, lawful and proper.

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SUMMARY OF ALLEGATIONS #3-4: The officers failed to receive a citizen's arrest.

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

FINDINGS OF FACT: The complainant alleged that the officers were predisposed to believe the other party over him and therefore neglected to accept his citizen's arrest against the other party. The officers and a witness denied the allegation. The officers and the witnesses stated that the complainant was intoxicated. The officers stated that the complainant was unable to identify his attacker, and a witness confirmed that the complainant was at the door with officers looking at all security personnel. There were no independent witnesses to either verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5-6: The officers wrote an incomplete and inaccurate report.

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

FINDINGS OF FACT: The complainant alleged that he told the officers that the individual that struck him in the head. The officers denied the allegation and reported that the complainant was unable to identify anyone due to his level of intoxication. The officers stated that the compliant was unable to make a positive identification of the male who struck him. Three other witnesses did not respond to OCC requests for an interview. There were no independent witnesses to either corroborate or refute the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer issued him a citation without cause. The investigation revealed the named officer did not issue the citation to the complainant. A Municipal Transportation Authority (MTA) Fare Inspector issued a citation to the complainant for failure to display receipt on scene. Witnesses said they observed the complainant fail to display a fare receipt when requested by them. The evidence showed the named member was not involved in the act alleged.

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

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

FINDINGS OF FACT: The complainant stated the officer forcefully grabbed his hand when he reached for his identification card after dropping it. The complainant said he did not wave it or play games when providing his identification card to the officers. The complainant said he did not sustain any visible injuries or have a complaint of any pain or injury. The officer said the complainant kept the officer from getting his identification card by waving and not giving it to him. The officer admitted he grabbed the complainant's wrist in order to get his identification card after repeatedly asking him for it. No independent witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation of unnecessary force.

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SUMMARY OF ALLEGATION #3: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer ran up and shouted at him. The officer denied the allegation. No independent witnesses came forward during the investigation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officer cited her without cause. The officer stated he cited the complainant for sleeping on the sidewalk in violation of Penal Code sections 647 and 372. The complainant admitted to being homeless and sleeping on the sidewalk on the incident date. An independent witness was identified, but did not cooperate with OCC's investigation. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper pursuant to current Department regulations.

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

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

FINDINGS OF FACT: The complainant stated the officer searched her. The officer admitted to searching the complainant because he placed her under arrest, and needed to search her prior transporting her to the district station pursuant to Department policies and procedures requiring arrestees to be searched. An independent witness was identified, but did not cooperate with OCC's investigation. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper pursuant to current Department regulations.

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

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

FINDINGS OF FACT: The complainant stated the officer handcuffed her. The identified officer admitted to handcuffing the complainant because he placed her under arrest and he needed to handcuff her pursuant to Department policies and procedures requiring arrestees to be handcuffed. Witness officers stated they observed the complainant handcuffed when they arrived on scene. An independent witness was identified, but did not cooperate with OCC's investigation. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper pursuant to current Department policies.

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

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

FINDINGS OF FACT: The complainant stated she was detained without justification. The officer stated he detained the complainant for investigation purposes after he found narcotics paraphernalia at the complainant's campsite. An independent witness was identified, but did not cooperate with OCC's investigation. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper pursuant to current Department policies.

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

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

FINDINGS OF FACT: The complainant stated the officer kicked and slammed her against the wall during her arrest. The officer denied the allegation. Witness officers did not observe the officer use any force or have to place hands on the complainant. An independent witness was identified, but did not cooperate with OCC's investigation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer failed to return her personal belongings to her. The officer admitted to having the complainant's encampment transferred to the Department of Public Works pursuant to SFPD Field Operations Bureau General Order No. 99-09, which states an officer can contact the Department of Public Works to take charge of a misappropriated shopping cart. The officer advised the complainant where her property was being taken and how to retrieve it when she was released. The complainant admitted that the officer gave her the information in order to retrieve her property. 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 #7: The officer failed to provide medical attention to the complainant.

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

FINDINGS OF FACT: The complainant stated she asked the officer for medical attention during her arrest and he refused to provide it to her. The officer denied the allegation. Witness officers did not hear the complainant ask for any medical attention, nor did they hear the officer deny the complainant an opportunity to get medical attention. An independent witness was identified, but did not cooperate with OCC's investigation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated she told the other officers on scene that the arresting officer hurt her and she needed medical attention. The officers denied the allegation. An independent witness was identified, but did not cooperate with OCC's investigation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.