

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/25/11    **DATE OF COMPLETION:** 11/09/11    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant said he should not have been arrested, because he was not engaged in buying or selling narcotics. The officer denied the allegation and did not have any independent recollection of the specific incident. The San Francisco Police Department documents reveal the officer was the arresting officer. There were no witnesses that provided statements. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officer used force during the arrest.

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

**FINDINGS OF FACT:** The complainant stated an unknown officer punched him and other unknown officers dropped him onto the ground. The officers known to be involved in the complainants arrest denied the allegation and did not have any independent recollections of the specific incident. There were no witnesses that provided a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant said an unknown officer told him to "shut up." The officers known to be involved in the complainants arrest denied the allegation and did not have any independent recollections of the specific incident. There were no witnesses that provided a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated he requested medical attention but an unknown officer denied him any medical attention. The officers known to be involved in the complainants arrest denied the allegation and did not have any independent recollection of the specific incident. There were no witnesses that provided a statement. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATIONS #1-2:** The officers used unnecessary force

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

**FINDINGS OF FACT:** The complainant alleged officers used unnecessary force while he was taken into custody. The complainant admitted to the OCC that he stole a car and evaded police. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated an officer used unnecessary force at the station. The station keeper denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the officers entered and searched her residence instead of her neighbor's home without cause. The officers stated that they were in hot pursuit of a possible armed suspect of a homicide who ran towards two apartments and slammed the door shut. The officers stated they were not sure which door the suspect ran into so they knocked on the complainant's home and gained entry with negative results. The officers then located the suspect in the next apartment. Per case law, officers had exigent circumstances to enter and search a premise when in hot pursuit. The officers properly entered the complainant's home. The complainant did not respond to several requests for an interview. The evidence proved that the act, which provided the basis for the allegation occurred, however, such act was justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant stated the officers used force on her arm and back. During the OCC investigation, the officers who were interviewed denied using any use of force on the complainant during this incident. The complainant did not respond to requests for an interview and to sign and return a medical release form. There is insufficient evidence to either prove or disprove the allegation made in this complaint.

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

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

**FINDINGS OF FACT:** The complainant wrote that, following an assault, his assailant “escaped due to bad police follow-up”. The complainant did not respond to OCC attempts to contact him.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-3:** The officers used force during the arrest of a subject.

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

**FINDINGS OF FACT:** The complainant said officers kicked a subject during an arrest. The officers denied the allegation. The officers stated the arrestee refused verbal orders; resisted them, and physical control on the subject was applied in taking him into custody. The subject did not want to cooperate with the OCC investigation. There were no witnesses who came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #4:** The officer used force during the arrest of the complainant.

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

**FINDINGS OF FACT:** The complainant said the officer tackled him to the ground when he was trying to record the incident on his cellular phone. The officer said the complainant refused verbal commands to stop interfering with them and resisted during the contact. The officer stated he repeatedly warned the complainant to stop interfering and subsequently used a physical control hold to take him into custody. A witness did not want to cooperate with the OCC investigation. There were no witnesses who came forward. 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 interfered with the rights of onlookers.

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

**FINDINGS OF FACT:** The complainant said he and others had the right to be present and the officer had no right to interfere with them. The officer denied the allegation and acknowledged the rights of onlookers to video tape or observe an incident from a safe distance. However, the officer stated the onlookers interfered and delayed an arrest or investigation. A witness did not want to cooperate with the OCC investigation. There were no witnesses who came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #6:** The officer handcuffed the complainant.

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

**FINDINGS OF FACT:** The complainant said he should not have been handcuffed and that he was only a concerned onlooker. The officer arrested the complainant for violation of 148(a)(1) PC for interfering and delaying an arrest. The officer stated the complainant resisted and tried to get away from the officer. A witness did not want to cooperate with the OCC investigation. There were no witnesses who came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATIONS #7:** The officer arrested the complainant.

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

**FINDINGS OF FACT:** The complainant said he should not have been arrested for just being an onlooker. The officer denied the allegation and said the complainant was in violation of 148 (a)(1) for interfering and delaying an arrest or investigation. The officer said the complainant would not leave the area when ordered repeatedly by the officer. The officer stated the complainant came up to the officer during his arrest of another subject. The officer said the complainant resisted and attempted to pull away from him. A witness did not want to cooperate with the OCC investigation. There were no witnesses who came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #8:** The officer harassed the complainant without cause.

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

**FINDINGS OF FACT:** The complainant said the officer should not have harassed him for just being a concerned onlooker. The officer denied the allegation and said the complainant was in violation of 148 (a)(1) for interfering and delaying an arrest. The officer said the complainant would not leave the area when the officer repeatedly ordered him. The officer stated the complainant came up to him during his arrest of another subject and interfered. The officer said the complainant resisted and attempted to pull away from him. A witness did not want to cooperate with the OCC investigation. There were no witnesses who came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.



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**SUMMARY OF ALLEGATIONS #9:** The officer seized the complainant's property.

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

**FINDINGS OF FACT:** The complainant said the officer seized his property without his permission. The complainant admitted he was trying to take footage from his cellular phone. The officer denied the allegation. The officer stated he did not seize anything from the complainant and was actually trying to grab his hands during the arrest. The officer said the complainant's phone might have been knocked out of his hands during the contact. The officer stated he recovered a phone at the scene and returned it to the complainant at the station. A witness did not want to cooperate with the OCC investigation. There were no witnesses who came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated he was filming police officers who were questioning a man at a football game when he was grabbed from behind by an unknown individual. The complainant pulled away and several officers grabbed, handcuffed and arrested him. The named officer stated that the complainant and another man were standing within inches of officers who were escorting someone from the stands. The named officer asked both men to step back but the complainant refused. The named officer noticed that the complainant exhibited signs of being intoxicated and he and another officer arrested the complainant for being under the influence of alcohol in a public place. The named officer's partner confirmed his account. The complainant admitted drinking one large beer immediately before this incident but denied that he was intoxicated. One civilian witness stated that the complainant appeared to be intoxicated. Two civilian witnesses said they saw a man who may have been the complainant filming officers from a safe distance and saw officers arrest the complainant after he refused to stop filming. The complainant failed to provide the OCC with video footage from his cell phone which might have documented his initial contact with the named officer. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #2 - 5:** The officers used unnecessary force on the complainant.

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

**FINDINGS OF FACT:** The complainant stated he was filming police officers who were questioning a man at a football game when he was grabbed from behind by an unknown individual. The complainant pulled away and several officers grabbed and handcuffed him and escorted him to a police sub-station. The complainant stated that along the way, he tripped and fell to his knees but instead of helping him up the officers dragged him on the floor for 50 to 75 feet. Once inside the sub-station, the officers piled on top of him on the floor.

Civilian witnesses gave conflicting accounts of whether the complainant was led or dragged to the sub-station. Several of them described the complainant as being loud and belligerent and passively resisting the officers.

The complainant provided the OCC with three short cell phone videos shot by a friend of his. The first depicts the complainant being led away, in handcuffs, by two officers. The complainant appears somewhat unsteady on his feet. The second depicts the complainant on the ground on his back yelling with officers beside him. An officer is seen helping raise the complainant to a sitting position. The third video depicts the complainant on his back on the ground with officers around him. Officers are seen raising the complainant to his feet and starting to lead him while grasping both of his arms. The camera's view is obscured briefly and the complainant is then seen on the ground on his back as officers drag him while grasping his clothing. As they drag him, the complainant flips over.

Three of the named officers said that as they led the complainant to the sub-station, he refused to walk and repeatedly dropped to the ground. They said that after he dropped to the ground for the third time, they dragged him the remaining distance to the sub-station. These officers differed on whether the complainant remained on the ground inside the sub-station but they all denied piling on top of him. The fourth named officer said she assisted the arresting officers in carrying the complainant to the sub-station by carrying his feet but did not think the complainant was dragged. She did not see any officer pile on top of the complainant inside the sub-station and left soon afterwards. All of the officers denied using excessive force. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #1-2:** The officers detained the complainant.

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

**FINDINGS OF FACT:** The officers unlawfully detained the complainant for sitting on a fire hydrant based on a flawed understanding of the Municipal Police Code. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

**SUMMARY OF ALLEGATION #3:** The officer pat searched the complainant.

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

**FINDINGS OF FACT:** The officer unlawfully pat searched the complainant. The officer failed to articulate any facts to demonstrate that the complainant, sitting on a fire hydrant, was in violation of the related Municipal Police Code, nor that he was armed or dangerous in order to justify the pat search. 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 #4:** The officer issued a citation to the complainant.

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

**FINDINGS OF FACT:** The officer wrote a Municipal Code section out of the realm of its intention and meaning. The officer failed to prove the complainant obstructed the fire hydrant by merely sitting or resting on the fire hydrant. 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 #5:** The officer made intimidating and threatening comments toward the complainant.

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

**FINDINGS OF FACT:** The officer denied the allegation. He stated he did not make threatening and intimidating comments toward the complainant during his contact. There were no witnesses. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #1-2:** The officers engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The evidence established the complainant knew she was driving with a suspended license. The complainant also admitted that the officers could not have seen her or detected her race prior to the traffic stop, due to dark tint on all four passenger windows. The officers denied they could have known the complainant's race until after they effected the traffic stop for illegal dark tint on the driver and passenger windows in violation of Section 26708.5(a) of the California Vehicle Code. Therefore, the evidence proved that the acts alleged in the complaint did not occur.

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

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

**FINDINGS OF FACT:** The complainant and the officers stated the named officer conducted a cursory search of the complainant incident to her arrest for driving a second time with a suspended license in violation of Section 14601(a) of the California Vehicle Code. The complainant was subsequently released from the scene of this arrest tow with a misdemeanor citation. The officer's actions were lawful and proper.

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**SUMMARY OF ALLEGATIONS #4:** The officer handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The evidence established the complainant had a prior arrest within six months of this incident for driving with a suspended license and was therefore aware that the consequences included a temporary arrest in physical restraints. Under Department regulations and state law, officers are responsible for the care and safety of prisoners in their custody until they are released or transported to a custodial facility. The officer's actions were lawful and proper.

**SUMMARY OF ALLEGATION #5:** The officer applied tight handcuffs.

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

**FINDINGS OF FACT:** The complainant alleged the officer applied tight handcuffs causing red ligature marks on her wrists. The officer and her partner denied the allegation. Both officers denied the complainant complained of tight handcuffs. A witness on scene could neither prove nor disprove the allegation. There was no conclusive evidence of red ligature marks on the complainant's wrists. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #6-7:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant alleged she asked both officers for an explanation of what was happening, but both officers ignored her inquiries and failed to provide an explanation until her release with a citation. The officers denied the allegation. A witness on scene could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #8-9:** The officers' behavior and comments were inappropriate.

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

**FINDINGS OF FACT:** The complainant stated the female officer was displaying hostile behavior and comments toward motorists while the male officer made an insensitive and inappropriate remark to her regarding the retrieval of personal belongings from the vehicle. The officers denied the allegation and stated that several bags of property were removed at the complainant's request. A witness who may or may not have been on scene at the time of the alleged behavior could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.



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**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to take required action due to gender identification bias.

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

**FINDINGS OF FACT:** The complainant alleged a store clerk made a homophobic remark right before he pushed her out of a store and the responding officers ignored her report. The officers denied the allegation and stated the complainant merely said she was kicked out of the store and refused to answer pertinent questions to ascertain whether a crime had in fact occurred. The officers also said the store clerk told them the complainant butted into a conversation between two employees and was then asked to leave the store and that there was no physical altercation. The complainant stated that the officers made a homophobic remark when refusing to arrest the store clerk. The store witnesses refused to cooperate with this OCC investigation. There was insufficient evidence to either prove or disprove this allegation.

**SUMMARY OF ALLEGATION #3:** The officer used profane language.

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

**FINDINGS OF FACT:** The officer and his partner denied the allegation. The witnesses on scene refused to cooperate with this Office of Citizens Complaints investigation. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #4:** The officer made a sexually derogatory remark.

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

**FINDINGS OF FACT:** The officer and his partner denied the allegation. The witness(s) refused to cooperate with the OCC investigation. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:** The officer and his partner denied the allegation and stated they neither recognized the complainant nor did the complainant inform them that she is a transgender individual. Since the store witnesses refused to cooperate with this OCC investigation and it is not known how the complainant was attired on the day in question. The officers were questioned relative to the OCC biased policing protocol, there is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #1-2:** The officers harassed the complainant in retaliation for filing a prior OCC complaint.

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

**FINDINGS OF FACT:** The complainant stated that while washing his friend's vehicle in front of his house, the officers contacted him. The complainant stated the purpose of the contact was to harass and intimidate him for filing a prior OCC complainant against one of the officers. The officers denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officers independently made threats to get him or take him to jail. The officers denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5-6:** The officers engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated that the officers were racists and purposely made the contact to harass him and other black people. The complainant stated that one of the officers made racially derogatory comments. The officers were interviewed consistent with the OCC's biased policing protocol. The officers denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #7:** The officer used racially derogatory comments.

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

**FINDINGS OF FACT:** The complainant stated the officer used the "N-word" and made racially derogatory comments during the contact. The complainant stated the officer also made similar comments to him before. The officer denied the allegation. One of the complainant's companions present during the incident stated that the officer did nothing and was "okay" during the contact. Also present was the complainant's girlfriend who stated that she did not hear racial or threatening comments from the officer. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #8:** The officer entered the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated that the officer followed him to his garage and entered without permission. The officer denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #9:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated that he called Ingleside Station about the officers being in his property but the person who answered his call hung up on him. The complainant stated he called again but no one from the station helped him. The officer was never identified. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #1-2:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the officers told her she once looked good but now she's all "tore up." The complainant further said the officers grabbed her hand during the contact. The officers denied the allegation. The complainant and witness were unavailable for an interview. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #3-4:** The officers searched the complainant.

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

**FINDINGS OF FACT:** The complainant said the officers should not have searched her. The officers denied the allegation. The officers observed a suspicious parked vehicle and smelled marijuana emanating from the car. The officers conducted a pat search of the complainant for possible hidden narcotics and weapons due to officer safety. The complainant and witness were unavailable for an interview. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATIONS #5-6:** The officers searched a vehicle without cause.

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

**FINDINGS OF FACT:** The complainant said the officers should not have searched her car. The officers denied the allegation. The officers smelled marijuana and saw smoke emanating from the complainant's parked car. The officers searched the complainant's vehicle for possible narcotics or weapons regarding officer safety and safety of others. The complainant and witness were unavailable for an interview. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #7-8:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated she should not have been detained. The officers denied the allegation. The officers said they observed a suspicious car parked in the parking lot and smelled marijuana and saw smoke emanating from the complainant's car. The officers stated they briefly detained the complainant and conducted a narcotics investigation. The complainant and witness were unavailable for an interview. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #1:** The officer used profane language.

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

**FINDINGS OF FACT:** The complainant said the officer used profane language as he was being detained at gunpoint. The officer denied the allegation. Other officers present at the scene as well as civilian witnesses were unable to provide sufficient information to either prove or disprove the allegation. Another witness on scene did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer displayed his weapon without justification.

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

**FINDINGS OF FACT:** The complainant was involved in a protracted physical altercation with his ex-lover in which he was injured and the officers arrived at the time he had pushed his ex-lover to the sidewalk. The officer and his partner stated they responded to a call of a person yelling and screaming for help and upon their arrival saw the complainant standing over and screaming at another subject curled on the ground in apparent distress. The officer and his partner also stated the complainant was yelling incoherently at the person on the ground while pumping his arms and fists in anger, initially ignored their commands. The officer said he aimed his side arm at the complainant to gain compliance and separate him from the person on the ground for further investigation. The nature of the 911 callers, describe an altercation, coupled with the officers' observations supported the officer's reasonable apprehension that the complainant was about to inflict great bodily injury upon the person on the ground. The officer's actions were lawful and proper.



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

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

**FINDINGS OF FACT:** The complainant stated he drank a variety of alcoholic beverages for several hours with his ex-lover prior to his detention. The complainant acknowledged being unable to care for himself. The complainant also admitted being involved in a physical altercation with his ex-lover. The officers responded to a call of a person yelling and screaming for help and upon their arrival saw the complainant standing over and screaming at another subject curled on the ground in apparent distress. The officer and his partner also stated the complainant was yelling incoherently at the person on the ground while pumping his arms and fists in anger and displayed objective symptoms of extreme intoxication. The preponderance of the evidence established the officers had multiple lawful reasons to detain the complainant. The officers' actions were lawful and proper.

**SUMMARY OF ALLEGATION #5:** The officer's behavior and comments were inappropriate.

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

**FINDINGS OF FACT:** The complainant alleged that one of the back-up male officers inappropriately and sarcastically questioned whether he was a lawyer, had attended law school and what did he know about the law when he objected to his detention. All officers involved in this response denied the allegation. A witness on scene did not respond to OCC requests for an interview and other witnesses could not verify or deny the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The evidence proved the named officer was not involved in the act alleged. The evidence shows the actual handcuffing officer was justified to apply and maintain the complainant in physical restraints until he could be safely transported to a custodial facility.

**SUMMARY OF ALLEGATION #7:** The officer used excessive force during the incident.

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

**FINDINGS OF FACT:** The complainant alleged the named officer either applied the handcuffs too tightly or applied them improperly because they caused the abrasions on his wrists and to the palms of his hands. The evidence proved the named officer was not involved in the act alleged although the actual handcuffing officer stated he checked for proper tightness, and double-locked the handcuffs. The complainant did not respond to OCC's request for a medical release. The evidence also established the complainant was involved in a physical altercation prior to the officer's arrival.

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**SUMMARY OF ALLEGATION #8:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The complainant alleged the named officer failed to double-lock the handcuffs, which might have caused them to tighten and cause the abrasions on his wrists. Although the evidence proved that the named officer was not involved in the act alleged and the actual handcuffing officer stated he checked the handcuffs for proper tightness and double-locked the handcuffs, the detaining officer was ultimately responsible for the complainant's care and safety. The complainant did not respond to OCC's request for a medical release. The evidence established that the complainant was involved in a physical altercation prior to the officer's arrival. Several civilian and witness officers present could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #9-10:** The officers failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant said that he was the victim in a physical altercation but the officers would not allow him to either explain what had happened. The officers denied the allegation and stated that both parties in the altercation refused to answer any questions or tell them what happened. A witness present at the scene did not respond to OCC requests for an interview, several civilian and witnesses officers could neither prove nor disprove the allegation. There is insufficient evidence to either prove or disprove the allegations.

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

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

**FINDINGS OF FACT:** The officer stated he cited the complainant after observing her failing to yield to traffic, almost causing an accident. The complainant's son was a passenger in the complainant's vehicle. He did not confirm or deny that his mother failed to yield to oncoming traffic. He stated his mother crept into the crosswalk to see more clearly before making a turn. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer failed to prepare an accurate citation.

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

**FINDINGS OF FACT:** The complainant alleged the officer's citation was inaccurate in the location of the violation, the time and the date. The officer acknowledged writing an inaccurate location and circling Saturday instead of Sunday on the citation. He stated the errors were not intentional and he would move to dismiss the citation. Investigation revealed that the time on the citation was accurate. Such clerical errors do not rise to the level of misconduct and the complainant suffered no harm as a result of the officer's errors.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer committed misconduct by failing to properly secure his property. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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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 told him to shut up and accused him of being under the influence of drugs or alcohol. The officer denied the allegation. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The complainant used unnecessary force.

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

**FINDINGS OF FACT:** The complainant said he was pushed and pulled by the officer during the traffic stop. The officer denied the allegation. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #3:** The complainant was handcuffed without justification.

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

**FINDINGS OF FACT:** The complainant said he should not have been handcuffed. The officer stated he handcuffed the complainant due to officer safety. The officer stated the complainant was agitated and exhibited irrational behavior such as not providing his keys or to exit the car when ordered to do so. The officer said the complainant appeared to be under the influence of drugs or alcohol. The officer stated the complainant was in violation of 148 PC by obstructing and delaying due to his behavior and actions. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated the officer searched his vehicle. The officer stated he saw the complainant nervously and quickly move around in the front seat area and the center console area of the vehicle. The officer said the complainant was agitated, whose behavior was erratic and appeared to be under the influence of drugs or alcohol. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #5:** The officer intentionally damaged the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated the officer damaged his vehicle. The officer denied the allegation. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #6:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant admitted he entered the controlled intersection against a red traffic light. The officer observed the complainant drive erratically and violate CVC 21453(a)-Failed to stop for a red light. 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 OCC ADDED ALLEGATION #1:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The officer stated he was not given the needed training regarding new software on a Mobile Display Terminal (MDT) regarding entries of traffic stop data collection as required by Department Bulletin #08-268 issued 12/12/08. The officer said there was a new MDT and related software installed in a new unmarked vehicle. The officer stated he made entries into the MDT but was not sure if they were processed. The officer stated there was no official training given to him or his staff regarding how to use the new MDT and it's associated software. SFPD's Technology Division confirmed this training failure and the installation of new equipment and software was not part of an official roll out to the officers and the station. SFPD Technology documents revealed the officer made an E585 entry regarding the incident into the new system. There were no witnesses to the incident. The evidence proved that the actions complained of were the result of inadequate supervision when viewed in light of applicable law, training, and the Department policy and procedure.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer detained him without justification. The complainant said he and his wife came out from a store with a bottle of Gatorade when the officer detained him. The citation shows that the complainant was cited for having an open alcohol container inside a brown bag. In contrast to his interview, complainant's written complaint shows that he came out from the store and poured beer into his Gatorade bottle. The complainant's wife stated that the contact occurred when the complainant was about to pour beer into the Gatorade bottle. The evidence therefore proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer cited him for drinking in public and/or having an open alcohol container. The complainant denied drinking in public and said that the Gatorade bottle was still sealed. As discussed above, evidence that the complainant was cited for having an open alcohol container inside a brown bag. In his written complaint, he stated that he came out from a store and poured beer into his Gatorade bottle. Complainant's wife stated that the contact occurred when the complainant was about to pour beer into the Gatorade bottle. The evidence therefore proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer failed to promptly provide his name and star number when asked. The officer could not recall the complainant or the incident. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant alleged that the officer behaved inappropriately. The officer could not recall the complainant or the incident. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer was racially biased to the complainant.

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

**FINDINGS OF FACT:** The complainant alleged that the officer was racially biased. The officer was interviewed relative to the OCC's biased policing protocol. The officer could not recall the complainant or the incident. 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 misrepresented the truth.

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

**FINDINGS OF FACT:** The officer denied the allegation. The officer stated he did not receive a subpoena or appear in court on the matter of the complainant's seatbelt citation. The complainant could not provide evidence to support her claim of appearing in court nor paying a fine to the court. San Francisco Superior Court records substantiated the complainant failed to appear in court on the date alleged. The evidence proved that the acts alleged in the complaint did not occur.

**SUMMARY OF ALLEGATION #1:** The officer towed a vehicle without justification.

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

**FINDINGS OF FACT:** The officer denied the allegation. The officer towed the complainant's vehicle based on the suspension of her California driver's license due to a failure to appear for a citation. DMV records substantiated the complainant's driver's license was suspended at the time of the incident. 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 issued the complainant a citation without cause.

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

**FINDINGS OF FACT:** The complainant alleged that the officer issued him a citation without cause. The evidence shows that the complainant was cited for pedestrian right of way violation. The evidence shows that the pedestrian was in the crosswalk crossing the street and the complainant failed to yield. The evidence therefore proved that the act, which provided the basis for the allegation occurred, however, such act was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #2:** The officer failed to promptly provide his name and star number.

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

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

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**SUMMARY OF ALLEGATION #3:** The officer misused his authority.

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

**FINDINGS OF FACT:** The complainant alleged that the officer, who was then the captain of a district station, misused his authority by ordering the pedestrian violation operation in spite of the arguments against it by his fellow officers. The complainant stated that officers from the district station were against the operation and that it was a waste of their time and resources. The officer denied the allegation and stated that the operation was conducted in order to provide a safe community environment pursuant to Department Manual DM-2, Community Policing. The named officer was the commanding officer in the district and has the authority and discretion to deploy officers assigned to his command. The officer's action was therefore proper and appropriate.

**SUMMARY OF ALLEGATION #4:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant alleged that the officer behaved inappropriately. The officer could not recall the complainant and the incident. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #1:** The officer used profanity.

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

**FINDINGS OF FACT:** The officer denied using profanity. Two officers at the scene stated that the named officer did not use profanity. All three officers stated it was the complainant who used profanity. There were no witnesses and no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #2-4:** The officer used unnecessary force during the complainant's arrest.

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

**FINDINGS OF FACT:** An officer stated that for everyone's safety the complainant was handcuffed by an officer who employed a bent wristlock grip from behind. The officers did not recall any officer using reportable force. A third officer stated he did not physically detain the complainant. There were no witnesses and no additional evidence to further prove or disprove the allegation.



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**SUMMARY OF ALLEGATION #5-7:** The officers arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant acknowledged being in possession of a knife and tear gas at an airport. The officers had probable cause to arrest him. Their actions were proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATIONS #1-3:** The officers entered the complainants' residence without consent or search warrant.

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

**FINDINGS OF FACT:** The complainants stated three officers entered their apartment without their consent. According to EMS records, an anonymous caller reported a possible domestic violence situation at the complainant's apartment. All ten officers listed on the CAD were questioned. Five officers had no recollection of this incident. Two officers stated that they responded to the scene but did not enter the apartment and did not see any other officers enter the apartment. Three officers stated they responded to the run but cleared the call when they learned there was sufficient help. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant alleged the officer detained her without justification. The officer stated that the complainant interfered with his investigation, causing him to detain her. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer placed her in handcuffs without justification. The officer stated he placed the complainant in handcuffs after detaining the complainant for interfering with his investigation. 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 handcuffed the complainant's son and nephews without justification.

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

**FINDINGS OF FACT:** The complainant alleged the officer handcuffed his son and nephews without justification. The evidence shows that the complainant's son and nephews were placed in handcuffs while being investigated for possession of firearm. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was 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 alleged that the officer used unnecessary force during her detention. The complainant said the officer pushed her and twisted her left arm behind her back. The officer stated the complainant interfered during investigation, refused to comply with his orders, and resisted while being detained, requiring him to use force. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant alleged that the officer behaved inappropriately. The complainant said the officer tried to hide his identity by writing an incorrect badge number on the Certificate of Release forms. The officer denied the allegation. The forms issued to the complainant and others properly indicate the issuing officer's name and badge number. The evidence proved that the act alleged in the complaint did not occur.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant said that he went to two district stations to report a crime. He said the officers failed to prepare an incident report. The identity of the alleged officers has not been established. 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 behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant was pulled over while talking on his cell phone. The complainant alleged that the officer was threatening during the traffic stop, repeatedly yelling at him. The officer denied the allegation. No witnesses were identified. 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:** The officer engaged in biased policing due to sexual orientation.

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

**FINDINGS OF FACT:** The complainant stated that the officer harassed her and discriminated against her because she is a Transgender Latina. The complainant stated that the officer stopped her at night, near her home, but could not provide a date or time for the contact. The officer denied the allegation and stated that he had no knowledge of the complainant or the alleged contact. No witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer engaged in biased policing due to ethnicity.

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

**FINDINGS OF FACT:** The complainant stated that the officer harassed her and discriminated against her because she is a Transgender Latina. The complainant stated that the officer stopped her at night, near her home, but could not provide a date or time for the contact. The officer denied the allegation and stated he had no knowledge of the complainant or the alleged contact. No witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.



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

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

**FINDINGS OF FACT:** The complainant stated the officers entered her public housing apartment and arrested her boyfriend. She stated her boyfriend was on active parole and used her address as his home address. The officers stated the complainant's boyfriend had violated a stay away order for Public Housing Authority Property. Court records proved that the complainant's boyfriend has been detained or booked six times for violating this stay away order. The officers' conduct was proper.

**SUMMARY OF ALLEGATION #3:** The officer used profanity.

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

**FINDINGS OF FACT:** The officer denied using profanity. There were no witnesses and no additional evidence to further prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #4:** The officer used force on the complainant's son.

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

**FINDINGS OF FACT:** The complainant stated the officer pushed past her to walk up to the second floor of her home. When she got upstairs, she saw her youngest son holding his head and crying. She later noticed that he had a bump on his head. She did not actually see the officer push her son. The officer stated when the complainant opened the door, she was carrying her youngest son. The officer walked up to the second floor and saw the complainant's older son. The officer said he had no physical contact with the boy. There were no witnesses and no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #5-6:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The officers stated they detained the complainant for driving with a suspended license. The complainant acknowledged driving with a suspended license. The officers' conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/18/11 **DATE OF COMPLETION:** 11/17/11 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #5-6:** The officers towed the complainant's vehicle without cause.

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

**FINDINGS OF FACT:** The officers stated they detained the complainant for driving with a suspended license and towed her vehicle per Department General Orders. Department General Order 9.06 requires officers to tow the vehicles of drivers with suspended licenses. The complainant acknowledged driving with a suspended license. The officers' conduct was proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/29/11      **DATE OF COMPLETION:** 11/02/11      **PAGE #1** of 1

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

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

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

The San Francisco Police Department  
Internal Affairs Division  
850 Bryant Street  
San Francisco, CA 94103

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/27/11 **DATE OF COMPLETION:** 11/16/11 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer failed to comply with Department Bulletin 11-092.

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

**FINDINGS OF FACT:** The complainant stated that while crossing the street with his wife and mother, they saw a police vehicle waiting to make a turn. The complainant stated the officer driving the vehicle was talking on his cellular phone, in violation of Department Bulletin 11-092. The complainant's wife corroborated the complainant's claim. The officer could not recall the incident. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/28/11    **DATE OF COMPLETION:** 11/07/11    **PAGE #1** of 2

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer stopped and issued him a citation for driving a vehicle with broken break lamps. The evidence shows that the complainant's vehicle had non-functioning brake lamps. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant was cited for driving a vehicle with a suspended or revoked license. The complainant said his license was valid and had never been suspended. The officer said he ran the complainant's information and the return showed that the complainant's driver's license status was suspended or revoked. Documents submitted by the complainant and those gathered during investigation shows that the complainant's license was valid. However, further investigation of DMV records show that a suspension had been valid earlier in the year. It is not clear whether the suspension was still effective as of the date the complainant had contact with the officer. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/28/11 **DATE OF COMPLETION:** 11/07/11 **PAGE #2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer towed the complainant's vehicle without justification.

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

**FINDINGS OF FACT:** The complainant alleged that the officer towed his vehicle without justification. The officer stated the complainant's vehicle was towed because the complainant's driver's license was suspended or revoked. As discussed above, it was not clear whether the suspension entered into the complainant's DMV record was still effective as of the date the complainant had contact with the officer. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/21/11    **DATE OF COMPLETION:** 11/28/11    **PAGE#** 1 of 3

**SUMMARY OF ALLEGATIONS #1-5:** The officers entered and searched the complainant's motel room without consent or cause.

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

**FINDINGS OF FACT:** The officers were investigating a street robbery that had occurred about thirty minutes earlier. They stated a cab driver informed police that the suspect had gotten into his taxi and hurriedly asked to be taken to the motel. In an OCC interview, the hotel manager stated she was asked if there were any guests who matched the description of the suspect. She gave the officers the key to one of the rooms. One of the officers opened the door with a key and took custody of a man matching the description of the suspect. Hotel guests are entitled to constitutional protection against unreasonable searches. Officers can enter a private residence such as a hotel room absent a warrant or consent only if exigent circumstances exist. The officers stated that, in the course of an investigation, they received information that gave them probable cause to believe the suspect was staying at the motel. The suspect had violently robbed a 63 year-old man on the street less than an hour earlier. They did not know if the suspect was armed.

A court is more likely to find exigent circumstances where (1) the crime was especially grave and/or violent; (2) the suspect may have been armed; (3) there was plenty of probable cause; (4) there was a strong reason to suspect the suspect was inside; (5) there was a likelihood that the suspect would escape if not swiftly apprehended; and (6) the entry was made "peaceably." Here all of these tests were met.

There was inconsistent testimony as to whether knock-notice requirements were met. As a general rule, officers must comply with knock-notice requirements before entering a residence for the purpose of making an arrest or conducting a search. Compliance with these requirements will, however, be excused if officers can cite specific circumstances that reasonably indicated that compliance would result in destruction of evidence or significantly increase the level of danger to the officers or others. Here, the officers stated they did not know if the robbery suspect was armed. The officers' actions were proper.



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**DATE OF COMPLAINT:** 04/21/11 **DATE OF COMPLETION:** 11/28/11 **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant was briefly detained and questioned after her companion was arrested for suspicion of assault and robbery. She was properly issued a Certificate of Release. The officer had reasonable suspicion to detain and question the complainant.

**SUMMARY OF ALLEGATIONS #7-9:** The officers searched the complainant's vehicle without cause.

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

**FINDINGS OF FACT:** The complainant stated she gave officers permission to search her vehicle. The officers stated the robbery suspect told them that he was driving the complainant's vehicle at the time the robbery occurred. The robbery suspect failed to respond to requests for an interview. The officers' actions were proper.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/21/11 **DATE OF COMPLETION:** 11/28/11 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #10-11:** The officers acted inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The officers denied the allegations. Three other officers at the scene stated they did not see any inappropriate behavior and did not hear any inappropriate comments. There were no other witnesses and no additional evidence to further prove or disprove the allegations.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 05/03/11    **DATE OF COMPLETION:** 11/18/11    **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant alleged the officer arrested her husband based on lies from a third party. Police reports from two jurisdictions, testimony from several witnesses and court documents, consisting of a court-approved arrest warrant, provide details of the officer's investigation that lead to the complainant's husband pleading guilty to the charge in Superior Court. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer illegally searched the residence belonging to her and her husband. The officer obtained a court-approved search warrant for the residence and provided details of his investigation that was referred to him from another jurisdiction. Testimony from several witnesses, other evidence, and the affidavit attached to the search warrant, provide details of the officer's investigation that lead to the complainant's husband pleading guilty to the charge in Superior Court. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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**SUMMARY OF ALLEGATION #3:** The officer seized property without cause.

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

**FINDINGS OF FACT:** The complainant alleged the officer illegally seized property resulting from the officer's illegal search of a residence belonging to her and her husband. The officer obtained a court-approved search warrant for the residence and seized property pertinent to the affidavit attached to the search warrant. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer illegally seized personal property resulting from the officer's illegal search of a residence belonging to her and her husband. The complainant further alleged the officer never returned some of the property after the trial court convicted her husband of a criminal felony violation. Near the outset of his investigation, the officer obtained a court-approved search warrant for the residence and seized property pertinent to the affidavit attached to the search warrant. Documents obtained in this investigation show that all personal property, with the exception of the seized firearms, was returned. The trial court refused to return, to the complainant's husband, the firearms that were seized because state law prohibits a convicted felon of possessing firearms. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
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**SUMMARY OF ALLEGATION #5:** The officer wrote an inaccurate report.

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

**FINDINGS OF FACT:** The complainant alleged the officer failed to investigate the false accusations of a third party and wrote a false police report based on the lies from this individual. A police report from another law enforcement agency, testimony from several witnesses and court documents support the officer's thorough investigation. Furthermore, the complainant's husband pleaded guilty to the charge in Superior Court. 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 #6:** The officer displayed inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant alleged the officer was "nasty" to her, but the complainant failed to precisely describe how the officer was nasty. The complainant accused the officer of refusing to release items of personal property that had been seized from her and her husband pursuant to the execution of a search warrant. The officer denied being "nasty" and described how the complainant tried to obtain the property without the necessary authorization for release of the property. The officer stated he provided the complainant with a detailed explanation of how to obtain, complete and get the proper authorization for the release forms. The officer also indicated he provided the complainant with an explanation concerning the disposition of all of the property. The officer stated the complainant was not receptive to his explanation and told the officer she would be filing a complaint against him. SFPD property room documents support the officer's explanation to the complainant. 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 #7:** The officer displayed inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant alleged the officer slandered the reputation of her and her husband by informing the Public Housing Authority of the criminal charges that were made against her husband. Consequently, her and her husband were evicted from their residence. The officer said he contacted the legal division of the Public Housing Authority at the direction of his immediate supervisor and only gave the Housing Authority the information he was required to divulge. This investigation determined the Public Housing Authority has rules for determining housing assistance and a mechanism for addressing administrative matters. The Public Housing Authority evicted the couple per the Housing Authority's administrative procedures. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 05/19/11 **DATE OF COMPLETION:** 11/07/11 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** The officer denied the allegation. No witness 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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**DATE OF COMPLAINT:** 05/20/11 **DATE OF COMPLETION:** 11/02/11 **PAGE #1 of 2**

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

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

**FINDINGS OF FACT:** The complainant acknowledged the occurrence of the violations, except in one instance, in which he denied that the officer had seen him holding an open container. The officer acknowledged issuing the citations but denied the allegation. Three witnesses identified by the complainant said they had not witnessed any interactions between the complainant and the named officer. The evidence proved that the acts that formed the basis for the allegation occurred, however, such acts were justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The officer denied the allegation. Three witnesses identified by the complainant said they did not recall witnessing any interactions between the complainant and the named officer. A fourth witness did not respond to a request for an interview. There was insufficient evidence to either prove or disprove the allegation.



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**DATE OF COMPLAINT:** 05/20/11 **DATE OF COMPLETION:** 11/02/11 **PAGE #2 of 2**

**SUMMARY ALLEGATION #3:** The officer misrepresented the truth on a traffic court statement.

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

**FINDINGS OF FACT:** The named officer denied the allegation, stating that he had identified the complainant by his driver's license, that he had seen the complainant holding an open container, and that an error in use of a pronoun in referring to the complainant was a typographical error. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/24/11 **DATE OF COMPLETION:** 11/23/11 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officers behaved inappropriately towards the complainant.

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

**FINDINGS OF FACT:** The complainant brought forward issues that are outside the jurisdiction of the OCC. This complaint was forwarded to the Department of Homeland Security.

Department of Homeland security  
Office of Professional Standards  
111 Jackson Street, Suite 555  
Oakland CA, 94607

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 05/23/11 **DATE OF COMPLETION:** 11/16/11 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant alleged the officer refused to accept a citizen's arrest for trespassing. In his report, the officer stated he spoke with the security guard, who said a man had entered private property through a hole in the fence. There were no signs of damage or forced entry to any of the areas where the man had walked. The man said he was unaware he was on private property and had been willing to leave when asked to do so by the security guard. A records check revealed the man had no criminal history. He was issued a Certificate of Release and told not to return. Department General Order states an officer cannot accept a citizen's arrest if no probable cause exists to believe the individual committed a crime. The man had not committed any crime and was willing to leave when asked to do so. Under the General Order, the officer was unable to accept a citizen's arrest because as he stated, "There were no elements of any crime." The officer's conduct was proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 05/24/11 **DATE OF COMPLETION:** 11/28/11 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officers conduct and comments were inappropriate.

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

**FINDINGS OF FACT:** This complaint stated that the officer conducted the traffic stop in an unsafe manner, did not listen to the complainant and used an inappropriate tone of voice. The named officer and his partner denied the allegation. There were no independent witnesses to the traffic stop. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 05/27/11    **DATE OF COMPLETION:** 11/21/11    **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The complainant alleged she was taken to the hospital without reason and that the named member justified his detention of her with a false statement that she had made suicidal statements. The named member stated that he heard the complainant ask to be killed and asked for the officer's gun. The named member said that the complainant repeated suicidal statements to the nurse at the hospital intake. Medical records indicated the complainant admitted to saying she "preferred" to be killed rather than a police report she filed not be retracted, but a physician determined she was not suicidal. The officer had a duty to detain the complainant under §5150 HSC when she made a suicidal statement, which she later repeated to a clinician.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 05/31/11 **DATE OF COMPLETION:** 11/29/11 **PAGE #** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer engaged in biased policing, based on race.

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

**FINDINGS OF FACT:** The named officer denied the allegation. The officer was interviewed relative to the OCC biased policing document protocol. No witness 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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**DATE OF COMPLAINT:** 03/31/11 **DATE OF COMPLETION:** 11/07/11 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** For biased policing due to race.

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

**FINDINGS OF FACT:** The complainant alleged that the officers stopped him because he is a Latino, who was driving an expensive car. The officers were questioned consistent with the OCC's biased policing protocol. The officers 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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**DATE OF COMPLAINT:** 06/01/11    **DATE OF COMPLETION:** 11/07/11    **PAGE #1** of 2

**SUMMARY OF ALLEGATIONS #1, 2:** The officer detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant said he was detained for no reason, but acknowledged hearing someone with whom he was arguing ask for police. The named officers stated that a man reported threats to 911, described the complainant's clothing and actions, and that the reporting party and two witnesses identified the complainant as a suspect at the scene of his detention. One witness said two men identified the complainant as a suspect at the scene of the detention. Department records contained photographs of the complainant from the night of his arrest in clothing that matches the description given to the 911 dispatcher. The evidence proved the acts that provided the basis of the allegation occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATIONS #3, 4:** The officers used unnecessary force during a detention.

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

**FINDINGS OF FACT:** The complainant said he was walking down a street when officers grabbed him and took him to the ground, grinding his face into the street. The officers acknowledged the complainant was injured during their detention of him while he was entering a taxi but argued the force used was necessary because the complainant pushed an officer and resisted arrest, pulling away and refusing to give up his hands. A witness with the complainant at the time of the detention denied there was a taxi on the scene and did not see the actions of the complainant during the detention. Another witness at the scene said he saw a hand come out of a taxi and push an officer, and then saw several officers subdue the complainant, but turned away and did not see the actions of the officers. One witness officer said he investigated the use of force and found it to be justified, but did not recall who he spoke to. Three witnesses who were reported to be at the scene did not respond to requests for interviews. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.



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**DATE OF COMPLAINT:** 06/01/11    **DATE OF COMPLETION:** 11/07/11    **PAGE #2 of 2**

**SUMMARY ALLEGATION #5:** The officer arrested the complainant without cause.

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

**FINDINGS OF FACT:** The named officer stated that three people reported the same story, that the complainant had made threats using a slur. The named officer stated that the primary victim had signed a citizen's arrest. One witness present during the incident said he did not hear what the complainant said. Department records indicated that a caller to 911 reported threats and identified a suspect wearing clothing matching what the complainant was wearing. Department records also indicated the citizen's arrest form did not specify the charge brought by the initiating citizen. Three witnesses did not respond to requests for an interview. No other witness came forward.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 06/09/11 **DATE OF COMPLETION:** 11/30/11 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1-2:** The officers used unnecessary force during an arrest.

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

**FINDINGS OF FACT:** The complainant failed to provide the requested evidence. The named officers denied the allegations. No witness 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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**DATE OF COMPLAINT:** 06/13/11      **DATE OF COMPLETION:** 11/23/11      **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION 1:** The officer searched the complainant without cause.

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

**FINDINGS OF FACT:** The complainant's complaint is that he was pat-searched outside a meeting room inside the American Airlines terminal. The complainant was present for a meeting related to his employment status after having made threatening comments against fellow employees at American Airlines. The officer said he conducted a search for weapons because the complainant threatened to shoot other American Airlines employees. The complainant's threats were documented in the incident report. Based on the totality of the circumstances, the officer reasonably believed that the complainant was armed and dangerous. As such the evidence proved that the act which provided the basis for the allegation occurred, however, the act was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 06/07/11 **DATE OF COMPLETION:** 11/23/11 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant alleged that she filed a report online and was never contacted by anyone in the Department. The OCC was unable to reach the complainant for additional information. There was insufficient evidence to either prove or disprove the allegation against an unknown officer.

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

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

**FINDINGS OF FACT:** The complainant alleged that she followed up with the department but again was never contacted by anyone in the Department. The OCC was unable to reach the complainant for additional information. There was insufficient evidence to either prove or disprove the allegation against an unknown officer.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 06/15/11 **DATE OF COMPLETION:** 11/23/11 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant said he made a complete stop at a sign. The officer denied the allegation and stated he observed the complainant with his wife drive slowly toward the stop sign and drift through the intersection. Although the partial obstruction of the license plate was minimal, the element of the violation was present. There was no independent witness and therefore insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The officer denied the allegation, and the only witness during this traffic stop was a dependent witness. The officer was interviewed consistent with the OCC's biased policing protocol. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/15/11 **DATE OF COMPLETION:** 11/23/11 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the officer did not explain the reason for the traffic citation, yelled at him, told him he did not have time to argue, and threatened to throw him in jail if he refused to sign the citation, leaving his wife and dog to walk home on their own. The officer denied the allegation and the only witness during the traffic stop was a dependent witness. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** The complainant stated the officer was rude dismissive and unprofessional when he berated her for not having changed the information on her California Driver's License. The officer denied the allegation. There were no witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/30/11 **DATE OF COMPLETION:** 11/23/11 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS#1-2:** The officers used excessive force during an arrest.

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

**FINDINGS OF FACT:** The complainant stated he complied with the officers' commands but an officer sprayed him with OC, and another officer pushed and ground his face against the pavement while placing him into custody. The officers stated the complainant, an armed robber, refused to lie on the ground, attempted to flee after he was sprayed with OC, and was tackled to the ground sustaining a facial abrasion during the fall. Ambulance records showed the complainant sustained an abrasion to his right cheek and ear. SFPD photos also showed a forehead bump to his right forehead. There is insufficient evidence to determine the level of force necessary to subdue the complainant.

**SUMMARY OF ALLEGATION #3:** The officer used profane language.

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

**FINDINGS OF FACT:** Although the officer and his supervisor admitted talking with the complainant about running from the police, all three officers at the scene denied the officer used the alleged profanity. There was no independent witness. There is insufficient evidence to prove or disprove the allegation.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/12/11    **DATE OF COMPLETION:** 11/21/11    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant alleged the officer misrepresented the truth regarding the circumstances of a traffic stop. 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 #2:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant stated the officer issued her a citation without cause. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/12/11    **DATE OF COMPLETION:** 11/21/11    **PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant was involved in a traffic stop with the named officer and stopped in the middle lane of a busy street at night. The complainant admitted she got out of her car during the traffic stop and approached the officer to inquire regarding the nature of the stop. The complainant admitted the officer loudly ordered her to return to her car, telling her she could have a gun. The complainant admitted she was a middle-aged woman stopped on a busy street and questioned the likelihood that someone with her profile could be carrying a firearm. The officer, when questioned, could not recall what he told the complainant. The complainant admitted engaging in behavior that could potentially put the officer at risk. The officer used appropriate verbal persuasion to alleviate a potential threat to his personal safety. 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 failed to take required action.

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

**FINDINGS OF FACT:** The officer is no longer available and therefore is not subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/18/11      **DATE OF COMPLETION:** 11/15/11      **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant said the officer threatened to arrest him if he did not open the gate to allow them entry. The officers said they had been dispatched to the apartment building regarding a domestic violence call and had been unable to gain entry when the complainant exited the building and refused to provide them entry. The officer advised the complainant that he was subject to being placed under arrest if he did not assist them. The officer cited PC Sections 148 and 150 as well as VC Sec. 2800 all of which make it illegal to either delay or obstruct peace officers or make it illegal to refuse to aid or refuse to comply with any lawful order of a peace officer. The complainant admitted that he was disinclined to open the gate for the officers. The Event History Detail documents an A priority 418DV, including dispatch entries reporting a potentially violent situation involving a pregnant woman. Exigent circumstances existed demanding that the officers gain immediate entry to the building. The complainant's failure to admit the officers was a violation of the law. 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 behaved in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant complained that the officer inappropriately took his keys from his hand to open the gate. The complainant said at the time he had decided to assist the officers and was moving toward the gate to open it. The two officers denied that the complainant ever moved toward the gate as if to open it. The named member said the complainant was moving away from the gate "flaunting" the keys in his hand. The named member said he took the keys from the complainant's hand, opened the gate and returned the keys to the complainant. A witness corroborated the named member's statement that the complainant continued to move away from them but denied seeing the named member remove the keys from the complainant's hand, though he said he did see the named member open the gate with and return the key to the complainant. If the complainant had changed his course and was moving toward the gate to open it for the officers then it was not necessary for the named member to physically remove the keys from him and doing so would have been inappropriate. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/18/11    **DATE OF COMPLETION:** 11/15/11    **PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant said the officer used the word “fuck.” The named member denied using the word and the witness officer denied hearing the named member use the word. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/26/11    **DATE OF COMPLETION:** 11/02/11 PAGE #1 of 2

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 7, 2011.

**SUMMARY OF ALLEGATION #2:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 7, 2011.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/26/11 **DATE OF COMPLETION:** 11/02/11 **PAGE #2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 7, 2011.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant alleged that the officer behaved inappropriately. The OCC questioned one officer who denied the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/08/11 **DATE OF COMPLETION:** 11/28/11 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant withdrew his complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/08/11 **DATE OF COMPLETION:** 11/15/11 PAGE #1 of 1

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

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

**FINDING OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 31, 2011.

**SUMMARY OFF ALLEGATION: #2:** The officer made inappropriate comments.

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

**FINDING OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 31, 2011.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer detained him without justification. The officer stated he stopped and detained the complainant for making a right turn without stopping at a stop sign. The complainant admitted to the violation. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

**SUMMARY OF ALLEGATION#2:** The officer behaved inappropriately and/or made threatening comments.

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/11/11    **DATE OF COMPLETION:** 11/15/11    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant alleged the officers made inappropriate comments regarding her medical condition during the execution of a search warrant in her house and a statement relating to possible evidence relating to whether evidence existed regarding the complainant's culpability. The officers denied the allegation. There were no available witnesses in one instance. In the other instance, a witness overheard an officer make a statement regarding potential evidence, but made a mistake of fact regarding his observations. 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:** 08/16/11      **DATE OF COMPLETION:** 11/15/11      **PAGE #1 of 1**

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

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

**FINDING OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 28, 2011.

**SUMMARY OFF ALLEGATION:** #3-4: The officers failed to provide their names and badge numbers.

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

**FINDING OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 28, 2011.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/29/11 **DATE OF COMPLETION:** 11/18/11 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officer disrespected her and made a sarcastic remark while interviewing her and inspecting her vehicle in relation to a hit and run report. The officer denied the allegation. There was no witness 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:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/29/11 **DATE OF COMPLETION:** 11/02/11 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was selling hot dogs without a permit from his parked vehicle to pedestrians on the sidewalk beginning at one in the afternoon. The complainant alleged that unless the officer catches him making a sale, the citation issued between three and four in the afternoon was unwarranted. Section 869 of the San Francisco Municipal Police Code requires food vendors to obtain a permit from the City and County. The preponderance of the evidence established that the enforcement occurred at one eleven in the afternoon when the complainant was admittedly operating without a permit. The officer's actions were lawful and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/30/11 **DATE OF COMPLETION:** 11/15/11 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated she was arrested for public intoxication. She stated she was transported to the San Francisco Sheriff's Department for booking and her property was taken for safekeeping. Upon her release from custody, the complainant noticed that one of her diamond earrings was missing. This complaint was forwarded to the San Francisco Sheriff's Department for investigation.

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** The complainant did not respond to file a complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/06/11      **DATE OF COMPLETION:** 11/15/11      **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer behaved inappropriately and/or made inappropriate comments. The named officer and a witness officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/15/11    **DATE OF COMPLETION:** 11/30/11    **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 was arrested for hitting a pedestrian with his vehicle and failing to stop and report the accident to the police. The complainant acknowledged striking a pedestrian with his vehicle. The victim stated the complainant angrily asked him why he ran into the complainant's vehicle and then drove off. The officer's arrest was proper.

**SUMMARY OF ALLEGATION #2:** The officer prepared an inaccurate incident report.

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

**FINDINGS OF FACT:** The complainant alleged that the officer lied in his incident report when he stated he found a "crack pipe" in the complainant's pocket. The complainant alleged the officer "planted" the crack pipe in the back seat of the patrol car.

The officer stated he found the crack pipe in the complainant's pants pocket after placing him under arrest and before placing him in the patrol car. The officer's partner stated she observed the officer remove the pipe from the complainant's pants pocket. There is insufficient evidence / independent corroboration that the officers did or did not plant evidence on the complainant.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/15/11 **DATE OF COMPLETION:** 11/28/11 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officer used unnecessary force during the arrest of the suspect.

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

**FINDINGS OF FACT:** The complainant and two colleagues witnessed the arrest of a suspect from their second story office about one block away from the scene. They stated they saw an officer hit the suspect several times in the head while he was on the ground. They each stated the suspect did not appear to be resisting. A third witness observed the arrest from his second story apartment, directly above the scene of the arrest. He stated he saw the suspect struggling with two police officers. The suspect would not listen to the officers' orders to stop struggling and get on the ground. The suspect was "flailing about" and swung at the officers with his arm. Another witness stated one officer got on the suspect's back. He did not see the officer strike the suspect. Both officers were trying to pull the suspect to the ground. This witness further stated that additional officers arrived and told the suspect to stop struggling and to get on the ground. The suspect eventually got on the ground but the witness did not know if the suspect did so voluntarily. The officers pulled the suspect's hands from under his stomach and handcuffed him. The witness stated he did not see any officers use any force on the suspect.

The officers stated when they attempted to detain the suspect for a traffic violation; he pitched a vial of crack cocaine into the street and tried to flee. One officer grabbed the suspect by his shirt and the suspect dragged the officer into oncoming traffic and then struck the officer with his head and shoulder. The officer stated he delivered a knee strike but the suspect continued to try to flee. The second officer stated he then jumped on the suspect's back and conducted a carotid restraint. The suspect did not lose consciousness and continued to resist. This second officer stated he delivered several closed fist strikes to the suspect's head and face area. The officers were then able to handcuff the suspect. They stated no force was used on the suspect once he stopped resisting. In his OCC interview, the second officer stated he understood why it might appear that he hit the suspect for no reason once he was on the ground. This officer stated he had his legs wrapped around the suspect and could feel the suspect trying to get up when he was on the ground.

The complainant and her colleagues stated they only saw a small portion of the incident. Her colleagues saw the suspect struggling with the officers and trying to flee. A third witness saw the suspect trying to strike the officers and saw both officers trying to get the suspect to the ground. He saw an officer jump on the suspect's back but did not see the officer strike the suspect.

There were no other available witnesses and no additional evidence to further prove or disprove the allegation. There is insufficient evidence to determine the level of force necessary to subdue the suspect.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/20/11 **DATE OF COMPLETION:** 11/08/11 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The officer identified by the complainant is not a sworn member of the SFPD. The individual identified by the complainant is a civilian (PSA) and as such, the allegation was referred to the Internal Affairs Unit within the SFPD.

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

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

**FINDINGS OF FACT:** The complainant stated the officers failed to take required action. The complainant stated it took five or more phone calls in three separate times before something was done and a person almost got killed. The complainant stated the officers were acting like they could not do anything to the situation. The officers were never specifically identified. Evidence also shows that officers were repeatedly dispatched to the complainant's apartment building and conducted an investigation. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/27/11    **DATE OF COMPLETION:** 11/30/11    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer failed to act on a citizen's request to enforce the law.

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

**FINDINGS OF FACT:** The complainant stated that he took a picture of a woman driving at Market and Seventh streets while using her cell phone without a hands-free device. The complainant then spoke to an officer about two blocks away from the alleged crime. As a concerned citizen, he requested the officer take enforcement action against the cell phone violator by calling in her license plate number. The complainant stated that the officer refused to investigate or to call in the license plate number.

The officer responded by saying he could not see the license plate number from the cell phone picture provided by the complainant. Additionally, the officer stated that he told the complainant that he could not leave his assigned area to conduct an investigation. A cell phone violation is not a serious crime and is considered a minor infraction. In the photo provided by the complainant to the O.C.C., the entire license plate is not clearly visible. At the time, the officer was assigned to the Bank of America branch at Van Ness and Market Street as off-duty 10B security.

Based on the photographic evidence produced by the complainant, the officer could not call in the license plate because it was illegible. Pursuant to department policies and procedures in regards to remaining in assigned areas, the officer's conduct was proper.

**SUMMARY OF ALLEGATION #2:** The officer failed to provide his name and star number.

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

**FINDINGS OF FACT:** The complainant stated that he asked the officer several times for his badge number, yet the officer would not oblige him. The officer stated that he did not recall the complainant ever asking for his name or his badge number.

There were no other available witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/27/11    **DATE OF COMPLETION:** 11/30/11    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer used profanity while addressing the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the officer made multiple statements to the complainant that included profanity. The officer denied using profanity in any way.

There were no other available witnesses. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/29/11      **DATE OF COMPLETION:** 11/02/11      **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Sheriff's Department.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

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

Department of Emergency Management  
1011 Turk Street  
San Francisco, CA 94102

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/06/11 **DATE OF COMPLETION:** 11/18/11 **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:** 10/07/11      **DATE OF COMPLETION:** 11/10/11      **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The San Francisco police officers failed to release the complainant's stolen vehicle in a timely manner after it was recovered and towed.

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

**FINDINGS OF FACT:** The complainant stated that her vehicle was stolen in Berkeley, California, and a police report was filed with the Berkeley Police Department. San Francisco Police Department officers then recovered the vehicle in San Francisco. As a courtesy, the San Francisco Police Department officers contacted the complainant's son to see if he could retrieve the vehicle within a limited time span, but the son was unable to do so. The officers then towed the vehicle pursuant to Department policy and procedures. The complainant went to Auto Return to claim her vehicle but was told she needed to obtain the San Francisco Police Department release. The complainant went to Southern Station and was told that she needed to get a release from the Berkeley Police Department before the San Francisco Police Department could release their hold on the vehicle. Pursuant to current San Francisco Police Department policy and procedures and DGO 9.06, San Francisco Police officers are prevented from releasing a towed vehicle if there are any "holds" on that vehicle. Per records personnel at Berkeley Police Department, when a vehicle is stolen in their jurisdiction, a victim would need to have the Berkeley Police Department provide a release to the recovering jurisdiction because it is a Berkeley case. That prevented San Francisco police from releasing the car to the complainant on September 30, 2011. The complainant secured a Berkeley Police Department release and a San Francisco Police Department release and retrieved her car. The evidence showed that the act alleged did occur, however, pursuant to current Department procedures and policies, the act was proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/07/11 **DATE OF COMPLETION:** 11/21/11 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer behaved inappropriately when he did not enforce the law against persons using contraband and then told her in an intimidating manner to climb down from a statue near Coit Tower. The complainant stated that she had climbed to the top of the Christopher Columbus statue so she could see the Fleet Week air show better. When someone told her to get down, she asked, "Why?" She then noticed it was a police officer talking to her, and that the police officer then said, "How about I cuff you in the back of my car and tell you why?" The complainant said she was intimidated by what the officer said and the way he said it. She then climbed off the statue and had no further contact with the officer. The officer said the complainant was approximately 15 feet above the ground and out of "concern for her safety" he advised her to get down. She then asked why, and he responded that she could fall and get hurt as well as damage the statue. After she continued to sit on the statue, the officer told her that if she did not get down from the statue, he would place her under arrest, put her in his patrol vehicle and take her to jail. She then climbed off the statue. The officer denied saying it in the intimidating manner that the complainant described. The officer articulated that he was concerned for the complainant's safety and that is why he used his verbal skills to remedy the situation. The officer further denied that there were other persons in the area using contraband and breaking the law. No witnesses were identified by either the complainant or the investigator. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/27/11 **DATE OF COMPLETION:** 11/30/11 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department  
Investigation Service Unit  
25 Van Ness Avenue, Room #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:** 10/28/11 **DATE OF COMPLETION:** 11/09/11 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department  
Investigation Service Unit  
25 Van Ness Avenue, Room #350  
San Francisco, CA 94102

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/27/11 **DATE OF COMPLETION:** 11/15/11 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** An anonymous complainant stated that unknown officers are taking advantage of a hotel and receiving free meals. The OCC is unable to do prolonged surveillance to determine the identity of the involved officers to determine if the actions are inappropriate. The anonymous complainant did not provide specific dates or times of the alleged behavior, nor were any names provided. A similar case was filed in 2010 and forwarded for investigation to SFPD Internal Affairs. This case has been forwarded to:

Internal Affairs  
San Francisco Police Department  
850 Bryant Street, Room 545  
San Francisco, CA 94103

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/04/11 **DATE OF COMPLETION:** 11/30/11 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1:** The officer engaged in inappropriate behavior and/or comments.

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

**FINDINGS OF FACT:** The complainant alleged that an unknown and unidentified officer made inappropriate comments to her child at a festival in Golden Gate Park. The complainant provided no actual location for the incident and no identifying information for the officer or his partner. The complainant failed to respond to OCC contact letters and attempts to locate her telephone number were unsuccessful. Due to the lack of any information to identify the officers, and the complainant's failure to respond to OCC contact attempts, the complaint cannot be investigated based on the original information provided by the complainant.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

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

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

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

**FINDINGS OF FACT:** The complainant stated that the officer misrepresented the truth when the officer investigated the complainant's 1998 criminal complaint. The officer has retired from the San Francisco Police Department and is no longer available and subject to Department discipline.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer's actions were improper when the officer investigated the complainant's 1998 criminal complaint. The officer has retired from the San Francisco Police Department and is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/16/11 **DATE OF COMPLETION:** 11/28/11 **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:** 11/17/11 **DATE OF COMPLETION:** 11/23/11 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department  
Investigation Service Unit  
25 Van Ness Avenue, Room #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:** 10/13/10    **DATE OF COMPLETION:** 11/02/11    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was a passenger in a limousine passing the scene of a traffic collision. The window was down as he asked another passenger a profane question. The complainant believed the officer believed the profane question to his friend was addressed to the officer, who retaliated by detaining him at gunpoint during a traffic stop. The officer stated the limousine driver made an unsafe lane change, disregarded his verbal command to pull over, and sped away as the front passenger yelled a profanity at him. The officer stated he believed the behavior of unknown multiple occupants in the limousine fit the profile of a criminal gang known to operate the police district. He stated he believed the occupants of the limo represented a threat to his own safety, because he made the traffic stop alone. The officer believed it necessary to draw and aim his weapon at the threat until it subsided. No other officer witnessed the traffic violation that prompted the traffic enforcement, but two witnesses corroborated that the complainant yelled the profanity directed at the officer, which may have raised the officer's apprehension. Several witnesses inside the vehicle gave conflicting statements about the operation of the limousine, as well as the behavior of the complainant. There was no independent witness to either prove or disprove the allegation. DGO 5.02 delineates permissible guidelines for officers to draw their weapons when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer used excessive force during the detention.

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

**FINDINGS OF FACT:** The complainant alleged that the officer pushed his firearm against his right cheek with substantial force for half a minute. Several witnesses who were in the limo gave conflicting statements regarding the officer's specific actions with the firearm. Other witnesses in the vehicle did not respond to multiple OCC requests for an interview. The officer denied placing his firearm on complainant's body. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/13/10    **DATE OF COMPLETION:** 11/02/11    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #3:** The officer used profane language.

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

**FINDINGS OF FACT:** The complainant alleged the officer used profane language during the traffic stop. The officer denied the allegation. Several witnesses gave conflicting statements regarding the officer's remarks. There was no independent witness. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer behaved in an intimidating and inappropriate manner.

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

**FINDINGS OF FACT:** The complainant alleged the officer told him separately from his friends that if he and his friends agreed not to make anything out of his detention, that he would allow them to leave. Otherwise, the officer said he would cite them for not wearing seat belts, and could incarcerate the complainant for disobeying his verbal command to pull over. One witness said the officer made similar remarks to them while they were still separated from the complainant. However, other witnesses did not corroborate the allegation and other potential witnesses did not respond to multiple OCC requests for an interview. The officer denied the allegation and stated the assertions were ridiculous since he had already issued a citation to the driver. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/13/10    **DATE OF COMPLETION:** 11/02/11    **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The complainant stated a friend heard the supervisor tell an unknown officer that the complainant's friends were treating this incident as if it was a homicide. The complainant's friend stated that the supervising officer told them they were overreacting and was overheard telling another unidentified officer, "These fucking kids" and left the comment unfinished. The supervising officer and three officers on scene denied the allegation. None of the other witnesses on scene verified the allegation and others did not respond to multiple requests by OCC for an interview. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT  
(AMENDED 11-21-11)**

**DATE OF COMPLAINT:** 10/14/10    **DATE OF COMPLETION:** 11/21/11    **PAGE#** 1 of 1

**SUMMARY OF OCC ADDED ALLEGATION #4:** The officer failed to properly supervise.

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

**FINDINGS OF FACT:** The officer received a report to review that appeared lacking to him. He stated unaware of the circumstances of the incident complained of and could not be held accountable for the deficiencies in the reporting officer's report. There was insufficient evidence to prove or disprove the allegation made in the complaint.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/29/11 **DATE OF COMPLETION:** 11/30/11 **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:** 11/17/10      **DATE OF COMPLETION:** 11/18/11      **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant alleged the officer wrongfully detained him. Police records indicate the officer responded to an assault that had just occurred at a nearby restaurant where someone was knocked unconscious. Police Dispatch broadcasted a description of the suspect who reportedly was being accompanied by an unknown female. The officer responded to the vicinity where the assault had taken place and began looking for the suspect. The officer saw a male (complainant) and female walking along the sidewalk. The officer stated that although the complainant and female, who was later determined to be the complainant's girlfriend, did not exactly match the description of the suspect and the unknown female, the complainant and the complainant's girlfriend bore reasonable similarities to the suspect and suspect's female friend. The officer established reasonable suspicion to detain by articulating as the totality of the circumstances the following factors: 1) complainant's proximity to the alleged assault, 2) complainant's female companion wearing a black shirt (as opposed to black and orange) and complainant wearing a light colored shirt (as opposed to yellow). Therefore, the officer stopped the complainant for further investigation. The evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATIONS #2 - 3:** The officers issued/approved a citation without cause.

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

**FINDINGS OF FACT:** The complainant alleged the officer issued a citation to him without justification. The complainant also stated "he would have waited" had the officer explained the reasons for stopping him. The officer described the complainant's actions and stated the complainant was uncooperative from the start of the contact. The officer described using escalating procedures including the use of force to detain the complainant. The officer ultimately issued a citation to the complainant for resisting, which was approved by the officer's supervisor. No independent witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/17/10      **DATE OF COMPLETION:** 11/18/11      **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #4:** The officer interfered with the rights of onlookers.

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

**FINDINGS OF FACT:** The complainant alleged his girlfriend used her cell phone to make a video recording of part of the officer's physical contact with the complainant. The complainant also alleged the officer commanded the complainant's girlfriend to turn off the video recorder. The officer denied the allegation. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #5:** The officer used unnecessary force during the detention.

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

**FINDINGS OF FACT:** The complainant alleged it was unjustified and unnecessary for the officer to throw the complainant to the ground after the officer had already placed the complainant in handcuffs. The officer described the complainant's actions and stated the complainant was uncooperative and belligerent from the start of the contact. The officer described using escalating procedures including the minimal use of force to detain and overcome the complainant's resistance. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/17/10      **DATE OF COMPLETION:** 11/18/11      **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #6:** The officer applied handcuffs too tightly.

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

**FINDINGS OF FACT:** The complainant alleged the officer applied the handcuffs too tightly. The complainant stated he asked the officer to loosen the handcuffs but the officer refused. The officer did not remember the complainant complaining of tight handcuffs. The officer indicated that even if the complainant did make this complaint to him at the time of this incident, he did not apply the handcuffs too tightly. The officer explained that he routinely ensures that he affixes handcuffs with the proper degree of tightness, in accordance with Department policy, each time he places handcuffs on an individual. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #7:** The officer failed to Mirandize the complainant.

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

**FINDINGS OF FACT:** The complainant alleged the officer detained him, placed handcuffs on him, and asked him questions, but failed to Mirandize him. The officer acknowledged and explained his reasons for detaining and handcuffing the complainant. The officer also acknowledged that he did not advise the complainant of his Miranda rights, because he did not ask the complainant any questions that would generate self-incrimination for the crime the officer was investigating. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/06/11    **DATE OF COMPLETION:** 11/18/11    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant alleged the officers ignored her requests to do something about several juveniles who assaulted and harassed her. There were conflicting statements between the officers and civilians involved in this incident. Video footage was inconclusive relative to the allegation. Therefore, there was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #4-5** The officers detained the complainant for an involuntary psychiatric evaluation.

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

**FINDINGS OF FACT:** Neither ambulance nor hospital records indicate the complainant's transport to the hospital was a mental health detention. A civilian and participant witness denied that any officer said that the complainant was a danger to herself or gave paramedics any direction of where to transport or what to do with the complainant. The officers and their supervisor denied the allegation. The preponderance of the evidence proved that the act alleged in the complaint did not occur or that the member was not involved in the alleged act.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/13/10    **DATE OF COMPLETION:** 11/10/11    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer used excessive force on the complainant

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

**FINDINGS OF FACT:** The complainant was arrested in Daly City after stabbing her sister in San Francisco. During her arrest, she struggled with DCPD officers, who took her down sprayed her with OC spray. She was then transported to a station by the officer and his partner. The complainant stated that outside the station, after she had her eyes washed out, a female officer was laughing at her, so she moved in that officer's direction and "...may have called her a bitch or something." She stated the officer, who was holding her arm, threw her to the ground and kicked her. Throughout, the handcuffs were too tight and hurt her wrists. The officer stated that, as he and his partner transported the complainant from Daly City, the complainant was very upset. When they got to the station, after the complainant's eyes were washed out, she saw and heard an officer talking and laughing nearby with another officer. The complainant evidently thought the female officer was laughing at her, so she verbally challenged the female officer and charged at her. The officer struggled with the complainant, taking her to the ground with a Department-approved takedown. He denied kicking or striking the complainant. The officer subdued the complainant, took her into the station for booking and, with his partner, transported her to the county jail with no further incident. The officer and his partner said the complainant did not complain of pain or appear to have suffered any injury other than what she suffered when arrested by Daly City Police. Both officers stated they checked and double-locked the handcuffs, but that the complainant twisted her wrists in the cuffs while struggling with the officer. There were no other witnesses. There is insufficient evidence to determine the level of force necessary to subdue the complainant.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/12/10    **DATE OF COMPLETION:** 11/18/11    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The officers stated the complainant was arrested for being drunk in public. The complainant acknowledged being drunk in public. The officers' actions were proper.

**SUMMARY OF ALLEGATIONS #3-4:** The officers used unnecessary force during the complainant's detention.

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

**FINDINGS OF FACT:** The complainant stated that he was detained by two officers after his wife called the police because he refused to leave her apartment. In his OCC interview, the complainant stated the argument with his wife was verbal only but he refused to discuss with OCC what happened earlier in the evening. The complainant acknowledged being intoxicated. He stated while he was being detained on the floor, he lifted his head up and asked the officer if he could leave. The complainant alleged that with his knee, the officer slammed the complainant's head to the floor, causing the complainant's two front teeth to strike the floor, causing them to chip. The complainant told police investigating this matter that the officer kicked his head. He also denied having a physical fight with his wife. The complainant's wife stated she did not see any officer kick the complainant. She also stated she does not live with her husband because they fight too much.

According to medical records, the complainant had bruises, scratches and a large human bite mark on his body. Police inspectors documented similar injuries on the complainant's wife. Statements provided by the complainant and his wife were inconsistent with the evidence. In subsequent text messages, the complainant and his wife discuss a physical altercation between them. The officers stated that they helped the complainant to his knees, then to the floor. The complainant did not hit his face or mouth on the floor. The officers stated the complainant did not say anything about chipped teeth until they were outside, leaving the scene. A witness confirmed this. Based on the evidence, the inconsistent statements and the officers' denials there is insufficient evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/11/10 **DATE OF COMPLETION:** 11/21/11 **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officer issued her a traffic citation because she was stopped in traffic waiting for a parking space to open. California Vehicle Code Section 22400(a) states: 22400(a) No person shall drive upon a highway at such a slow speed as to impede or block the normal and reasonable movement of traffic, unless the reduced speed is necessary for safe operation, because of a grade, or in compliance with law.

No person shall bring a vehicle to a complete stop upon a highway so as to impede or block the normal and reasonable movement of traffic unless the stop is necessary for safe operation or in compliance with law.

The officer's actions were proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/10/11    **DATE OF COMPLETION:** 11/01/11    **PAGE#** 1 of 6

**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 the officers arrested them without cause. The officers arrested the complainants because they offered to sell one of the officer's narcotics. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #3:** The officer made inappropriate comments and displayed inappropriate behavior.

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

**FINDINGS OF FACT:** The complainants stated an officer made inappropriate comments and displayed inappropriate behavior. The officers denied this allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/10/11    **DATE OF COMPLETION:** 11/01/11    **PAGE#** 2 of 6

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

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

**FINDINGS OF FACT:** The complainants stated the officer searched their vehicle without cause. The officer stated the complainants were attempting to sell narcotics and since they were being arrested, a vehicle search was necessary since they may have concealed narcotics in the vehicle. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #5-6:** The officers searched the complainants without cause.

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

**FINDINGS OF FACT:** The complainants stated the officers searched them without cause. The complainants were placed under arrest and the officers stated a search incident to arrest was conducted and necessary to transport the complainants to the district station for booking. 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 ALLEGATIONS #7:** The officer searched the complainant's property without cause.

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

**FINDINGS OF FACT:** The complainants stated an officer searched their purses. The officers did not recall searching any property. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #8:** The officer failed to properly process property and/or medication.

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

**FINDINGS OF FACT:** One of the complainants stated an officer emptied her medication on the ground and failed to return it to her. The officers denied handling the complainant's medication. There were 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 ALLEGATIONS #9-10:** The officers applied the handcuffs tightly.

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

**FINDINGS OF FACT:** The complainants stated the officers applied the handcuffs tightly. The arresting officers denied this allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #11:** The officer failed to take the required action.

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

**FINDINGS OF FACT:** One of the complainants stated the officer failed to lock and secure her vehicle after he searched it. The officer denied the allegation. There were 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 ALLEGATIONS #12:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainants stated an officer used profanity. The officers denied this allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #13:** The officer used racial slurs.

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

**FINDINGS OF FACT:** The complainants stated an officer used racial slurs. The officers denied this allegation. There were 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 ALLEGATIONS #14-15:** The officers conducted a strip search without cause.

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

**FINDINGS OF FACT:** The complainants stated the officers conducted a strip search without cause. The officers under the direction and approval of a supervisor conducted a strip search on the complainants. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1:** The officer failed to write a report.

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

**FINDINGS OF FACT:** The complainant stated that he requested a report because he was assaulted but was told by an officer that they do not write reports for homeless people. The officers denied the allegation. The officer prepared an incident report.

**SUMMARY OF ALLEGATION #2-4:** The officers exhibited inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated he was threatened with arrest and the officers made comments about homeless people and how they clog up the court system. The officers denied the allegation. The witness did not witness the entire interaction with police from beginning to end and stated she did not hear these comments. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5-6:** The officers used force without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers took him down to the ground, pulled his hair, struck him and handcuffed him causing lacerations on wrist. The officers stated the complainant assaulted an officer so he was taken into custody. The officers denied pulling the complainant's hair and stated the handcuffs were checked for tightness. The officers stated the complainant had no visible injuries and no complaint of pain at the scene. At the station, the officers stated the complainant complained of pain as a result of an altercation at a shelter so medical treatment was rendered. The witness did not see what happened when the complainant was arrested and she did not recall seeing any injuries on the complainant before or after the incident. The paramedic patient report documents that the complainant was uncooperative and was listed as "John Doe" for refusal to answer questions, shouting, spitting, and being verbally abusive. The report documents no obvious trauma or deformities but the complainant was transported to SFGH for further evaluation and treatment. The SFGH records document that the complainant has a history of neck injuries. X-rays were taken and were negative for fractures. Diagnosis was chest pain and neck pain. There is insufficient evidence to prove or disprove that the chest and neck pain was due to interaction with the police or assault with an individual in the shelter. Also there is no documentation about the complainant's wrist in SFGH, SFFD, and Jail Medical records. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #7:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated an officer used profanity against him. The officers denied the allegation. The witness did not observe the entire interaction with police from beginning to end and stated she did not hear the officers use profanity. There is insufficient evidence to prove or disprove the allegation.



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**SUMMARY OF ALLEGATION #8-9:** The officers arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant believed he was falsely arrested because he requested a supervisor and said an officer became aggressive with him and threatened to arrest him. The complainant stated he was then jumped and thrown to ground and arrested. The officers denied the allegation. The witness did not observe the incident from beginning to end. The witness was present initially so at that point she noticed that the complainant was aggressive and hostile towards the officers. The witness stepped away and when she returned to the scene she said the complainant was already inside the patrol car. There is insufficient evidence to prove or disprove the allegation

**SUMMARY OF ALLEGATION #10:** The officers failed to process the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated that his cell phone fell when he was being arrested and the officers did not want to return it so instead they purposely ran over his phone. The officers denied the allegation. There is insufficient evidence to prove or disprove the allegation.