

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/09/10      **DATE OF COMPLETION:** 07/07/11      **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 stated he was arrested without cause. The officer stated he arrested the complainant after the complaining witness notified him the complainant had stolen merchandise from his premises and caused damage to store property. Video surveillance footage documented the complainant's criminal activity. A short time later, the officer and the complaining witness located the complainant and another subject nearby. The complaining witness identified the complainant to the officer. The officer arrested the complainant. The complaining witness signed a citizens arrest form against the complainant. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #2:** The officer used unnecessary force at the scene.

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

**FINDINGS OF FACT:** The complainant stated that an officer used unnecessary force to take him into custody. The officer denied the allegation, stating the complainant took an aggressive stance with him, standing within close range. The officer admitted striking the complainant with his baton and reported his use of force which was documented. The witness and witness officers did not see the entire police contact. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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**DATE OF COMPLAINT:** 04/18/11 **DATE OF COMPLETION:** 07/14/11 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer harassed the complainant.

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

**FINDINGS OF FACT:** The complainant failed to respond to OCC requests for an interview in order to provide additional requested and necessary evidence to advance the investigation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 05/16/11 **DATE OF COMPLETION** 07/26/11 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant initially stated to OCC that he was arrested without cause. In a second interview with OCC, the complainant stated that the officer did have probable cause to arrest him. The arresting officer is retired and no longer within the jurisdiction of the OCC.

**SUMMARY OF ALLEGATION #2:** The allegation raises matters not within OCC's jurisdiction.

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

**FINDINGS OF FACT:** During his OCC interview, the complainant made a general statement that he was wrongfully convicted of rape and spent 14 years in prison based on misconduct by the assigned District Attorney investigator and other District Attorney staff. The Court number is 01714972. The allegation raises matters not in OCC's jurisdiction. This is a partial referral to:

Assistant District Attorney  
Office of the District Attorney  
850 Bryant Street  
San Francisco, CA 94103

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

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

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

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

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  
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**DATE OF COMPLAINT:** 06/06/11    **DATE OF COMPLETION:** 07/14/11    **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:

San Francisco Department of Public Works  
875 Stevenson Street #460  
San Francisco, Ca 94103-0953

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 05/19/10    **DATE OF COMPLETION:** 07/13/11    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated the officer used excessive force. 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.

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

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

**FINDINGS OF FACT:** The complainant stated the officer's comments and behavior were inappropriate. 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 ALLEGATION #3-4:** The officers failed to accept a citizen's arrest.

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

**FINDINGS OF FACT:** The complainant stated the officers would not accept her request for a citizen's arrest. The officers stated there was no proof of a crime committed and they did not have probable cause to make any arrest. The complainant made no specific accusations and her request for a citizen's arrest was not specific to any one person at the facility. 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 ALLEGATIONS #5-6:** The officers failed to investigate and prepare an incident report.

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

**FINDINGS OF FACT:** The complainant stated the officers refused to investigate her claims and prepare an incident report. The officers stated they did investigate the incident but found no evidence of a crime committed therefore no incident report was warranted. The complainant made no specific accusations and her request for an incident report to be prepared was not specific to any allegation of a crime that had been committed. 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 ALLEGATION #7-8:** The officers failed to contact a supervisor.

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

**FINDINGS OF FACT:** The complainant stated that she requested a supervisor be called to the scene. Both officers denied that the complainant requested that a supervisor respond to the scene. 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 #9:** The officer's actions and comments were inappropriate.

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

**FINDINGS OF FACT:** The complainant stated the officer's comments and behavior were inappropriate. 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.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/20/10    **DATE OF COMPLETION:** 07/28/11    **PAGE #1** of 1

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 06/23/11 **DATE OF COMPLETION:** 07/18/11 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that he knows that all San Francisco Police Department officers carry business cards. He asked the officer for a business card but the officer refused to provide him with a business card and told the complainant he would not waste a card on him. The officer stated that San Francisco Police Department officers are not required to carry business cards and he does not carry them. He stated that the complainant did ask him for a card and when he told the complainant he did not have any cards, the complainant called him a liar. The officer denied telling the complainant that he would not waste the business card on the complainant. There is no Department requirement that officers carry business cards. No other witnesses were identified by either the complainant or the officer. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 06/24/11    **DATE OF COMPLETION:** 07/15/11    **PAGE #1 of 2**

**SUMMARY OF ALLEGATION #1:** The officer threatened the complainant and displayed inappropriate behavior.

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

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

**SUMMARY OF ALLEGATION #2:** The officer used racially derisive slurs when speaking to the complainant.

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

**FINDINGS OF FACT:** The complainant stated the officer used racial slurs. The officer denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #3:** The officer was biased due to race.

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

**FINDINGS OF FACT:** The complainant stated the officer harassed him due to the complainant's ethnicity. The officer denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 06/27/11      **DATE OF COMPLETION:** 07/01/11      **PAGE #**1of 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:

San Francisco Police Department  
Internal Affairs Division  
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  
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**DATE OF COMPLAINT:** 06/29/11 **DATE OF COMPLETION:** 07/26/11 **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION #2:** The officer's behavior was inappropriate.

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

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

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 06/30/11      **DATE OF COMPLETION:** 07/08/11      **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** The complainant alleged the officer did nothing to investigate her complaint of criminal negligence against a Muni bus driver. The officer responded to the scene, investigated the incident, accepted a Citizen's Arrest from the complainant, completed an Incident Report and the appropriate forms, and requested the assistance of a supervisor at the complainant's request. 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:** This allegation raises matters not within OCC's jurisdiction.

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

**FINDINGS OF FACT:** The complainant alleged in her complaint that the conduct of Municipal Railway employees was either unlawful or inappropriate. That part of the complaint is not within the jurisdiction of the OCC and the complaint has been forwarded to:

San Francisco Municipal Transportation Agency  
11 South Van Ness Avenue  
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 07/01/11 **DATE OF COMPLETION:** 07/20/11 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS # 1:** The Department's traffic citations do not list or explain that there is a fee attached to having a correctable violation dismissed.

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

**FINDINGS OF FACT:** The complainant stated that an officer issued her a citation for a correctable violation and advised her of how to dispose of the citation. The complainant had no complaint against an SFPD officer but felt there is a policy issue in that the citation does not disclose that there are fees associated with the dismissal of the citation, once the violation has been corrected and signed off by a peace officer. A review of the citation presented by the complainant shows that under Section C. Correctable Violations, the information provided states that the citation will be dismissed by the court when the violation has been corrected and a transaction fee presented to the court. The evidence showed that the act that provided the basis for the allegation occurred, however said act was proper wherein the Department does disclose on each citation that there will be a court transaction fee to have the citation dismissed.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT**



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

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

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

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

The US Park Police  
1217 Ralston Avenue  
San Francisco, Ca 94129

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** This complaint is not within OCC's jurisdiction and has been forwarded to:

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  
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**DATE OF COMPLAINT:** 06/22/10      **DATE OF COMPLETION:** 07/21/11      **PAGE#** 1 of 3

**SUMMARY OF ALLEGATION #1:** The officer drove in an improper manner.

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

**FINDINGS OF FACT:** The complainant and the named officer were involved in a non-injury traffic collision caused by the complainant while the named officer was off-duty and driving her own car. The complainant complained that the named officer did not have her driver's license with her at the time of the traffic collision. The officer admitted to not having her driver's license with her, a violation of California Vehicle Code Section 12951(a). The responding officer at the scene exercised his discretion and did not cite the named officer for the traffic infraction. Department General Order 2.06 states that an off-duty member involved in a vehicle collision while not operating a Department vehicle shall be governed by the same California Vehicle Code provisions that apply to a private person. Although the officer's failure to carry her license was a violation of the Vehicle Code, there was insufficient evidence to prove or disprove that the allegation complained of constituted misconduct.

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

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

**FINDINGS OF FACT:** The complainant said the officer refused to show him her San Francisco Police Department badge. The complainant's wife said the complainant asked the officer for her badge number and she refused to give it to him. The officer said she showed the complainant her badge and when he asked to see it again, she verbally provided him with the badge number. There were no other witnesses present during this interaction. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant complained that the officer failed to issue a citation or prepare a police report. The named member said it was within his discretion to cite the officer and because there was no issue as to her identification he did not do so. The named member said that he was not required to write a police report in a non-injury traffic collision. The incident involved a non-injury traffic collision. Although the named member did not have her driver's license on her at the time of the incident, there are no provisions in the General Orders that require the named officer to issue the off-duty officer a citation for not possessing her license or complete a traffic collision report in non-injury traffic collisions. The evidence proved that the named officer exercised his discretion and thus the acts, which provided the basis for the allegation, occurred, however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATIONS #4-5:** The officers conducted themselves in a rude and intimidating manner.

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

**FINDINGS OF FACT:** The complainant said the officers conducted themselves in a rude and intimidating manner. The complainant's wife did not offer any specific description of the officers' behavior. A witness officer denied the alleged behavior occurred. Both named members denied behaving in the alleged manner. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #6:** The officer misrepresented the law.

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

**FINDINGS OF FACT:** The complainant said the officer provided an inaccurate statement of the law as it applied to his proof of vehicle insurance. The complainant's wife identified another officer as having made the alleged comment. A witness officer did not recall the conversation. 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:**

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**DATE OF COMPLAINT:** 06/24/10 **DATE OF COMPLETION:** 07/13/11 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer conducted himself in a harassing manner and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant said the officer asked her harassing and inappropriate private questions about her mental well-being. The officer admitted to asking the alleged questioning stating that he did so based on the circumstances surrounding the incident. A witness officer did not recall what questions the named member asked but stated there was reported information that called into question the complainant's mental well being. One witness described problems between the complainant and another person on the property and said the complainant was screaming and heard making threatening comments. A witness described the complainant as hostile toward the responding officers. The Event History Detail documents the report having been called in as an 800 involving a heated verbal and the complainant running around the garage screaming and yelling. The officer abated the situation. There is no prohibition in the department general orders that prevents or restricts an officer from interviewing a person in a public place regarding their mental wellbeing. The conduct of the officer was within the department policy. There is no evidence of harassing behavior by the officer. 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 behaved in a harassing and inappropriate manner toward the complainant.

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

**FINDINGS OF FACT:** The complainant found the officer's gesture and comment offensive and harassing. The officer denied the allegation and described the complainant agitated and verbally abusive toward him and his partner. The officer described his demeanor as professional and polite. A witness officer denied hearing the named member make the alleged comments or behave in the alleged manner. The body movement and comment attributed to the named member, even if it did occur, does not rise to the level of harassing or inappropriate conduct. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant acknowledged that he sneaked into a private party, had been drinking and threw a drink on the security guard. The Department records, CAD and the initial responding officer show that the officer arrived on scene at the request of hotel security. The complainant fought with security and the named officer took the complainant to the ground and handcuffed him. There is no evidence including the complainant's own account, that he was struck by the officer. The officer stated that the complainant made no complaint of injury nor did he complain of pain. All evidence shows the injury the complainant sustained was while in the custody of the SFSD and that he was struck by another inmate. Regarding the allegation that the force used during the detention was excessive, there is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**



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**SUMMARY OF ALLEGATIONS #1-2:** The officers had the complainant's vehicle towed without cause.

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

**FINDINGS OF FACT:** The complainant is the registered owner of a vehicle that was used by three suspects seen breaking into vehicles and then fleeing from the police. Officers tracked the vehicle to the city where the complainant lives and had it towed for evidence. One named officer authorized the tow. The other named officer was the assigned inspector. The tow was proper.

**SUMMARY OF ALLEGATION #3:** The officer arrested the complainant's boyfriend without cause.

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

**FINDINGS OF FACT:** The complainant's boyfriend was driving the complainant's vehicle when he was stopped by police to conduct an investigation of an auto boosting. A loaded handgun, several stolen items and items used to commit burglaries were recovered from the vehicle. The arrest was proper.

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**SUMMARY OF ALLEGATIONS #4-10:** The officers entered and searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** The officers entered and searched the complainant's residence pursuant to a valid search warrant. The search was proper.

**SUMMARY OF ALLEGATIONS #11-12:** The officers seized the complainant's property without cause.

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

**FINDINGS OF FACT:** The officers seized the complainant's laptop computer during the execution of a valid search warrant. The complainant stated her laptop computer should not have been seized. The officer stated that several items of stolen electronic equipment and identification cards were found and seized. The supervising officer stated the complainant could not produce the power cord or a receipt for the computer. The complainant stated that six or seven months later, she located the receipt and the computer was returned to her. The officers' actions were proper.

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**SUMMARY OF ALLEGATION #13:** The officer made inappropriate comments to the complainant.

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

**FINDINGS OF FACT:** The officer denied making inappropriate comments. None of the officers at the scene heard the named officer make any inappropriate comments. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #14-15:** The officers threatened to handcuff and arrest the complainant.

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

**FINDINGS OF FACT:** The officers denied threatening the complainant. None of the officers at the scene heard the named officers make such threats. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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**DATE OF COMPLAINT:** 07/26/11 **DATE OF COMPLETION:** 07/28/11 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The evidence shows that this complaint raises matters outside OCC's jurisdiction. The complaint has been referred to:

Chief of Police  
San Francisco State University Police Department  
1600 Holloway  
San Francisco, CA 94132

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #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 his residence without cause. The named officers were part of a tactical entry team and had a valid search warrant to enter the complainant's residence. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATION # 3-4:** 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 searched his residence although his son is not on his lease. The officers had search warrants for the residence. Armed with valid search warrants, the officers had probable cause to believe that the complainant's son was residing at the complainant's address supported by Department Motor Vehicle records, criminal records, and information from a CRI (Confidential Reliable Source). The complainant admitted that his son visits, sleeps over, has a few jackets, uses his address for some of his mail, and parks his car in front of his home. A witness stated that she was visiting at the complainant's home for a week and was staying in the complainant's son's room. 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 # 5-6:** The officers detained the occupants without justification.

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

**FINDINGS OF FACT:** The complainant stated he was detained during the searches of the residence. The complainant and his grandson were detained during the searches and were issued Certificates of Release per department policies and procedures. Officers have the authority to detain individuals to conduct investigations per DGO 5.03 Investigative Detentions. 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 # 7-8:** The officers used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated that he was upstairs when the door was kicked-in and officers told him to get on the floor. The complainant stated he lay down on the floor of the hallway and officers began to assault him by stomping on his back and legs. A supplemental report documented that the complainant used his body to block access to a hallway leading to three other rooms that needed to be cleared. The complainant's body was impeding the flow and access to clear three rooms and detain two other occupants. The officers executed a "dynamic" entry, which requires rapid movement for officer safety and the occupant's safety. The complainant has pre-existing back and leg conditions. The medical records documented that x-rays were negative for any fractures, dislocations, swelling, and appeared normal. The officer stated SWAT team's physical contact with the complainant during the protective sweep was incidental. There is insufficient evidence to determine whether the contact with the complainant was necessary.

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**SUMMARY OF ALLEGATION #9:** The complainant is being harassed.

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

**FINDINGS OF FACT:** The complainant felt that the incident on May 27, 2010 was harassment because the officers could have arrested his son while in court, yet they keep coming to his home even though his son is not on the lease as of the earlier part of the year. The officers have had previous contacts with the complainant at his residence. The nature of the contacts has been in relation to arrests and search warrants for the complainant's son. The complainant admitted that his son visits, sleeps over, has a few jackets, uses his address for some of his mail, and parks his car in front of his home. The complainant was unable to provide any evidence constituting harassment. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION # 10:** The officers exhibited inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that on May 27, 2010, officers claimed to be looking for his son and were searching places like kitchen drawers and an urn containing his daughter's ashes, which are areas obviously that his son could not be hiding. The search warrant permitted searching for firearms, ammunition magazines, holsters, and indicia belonging to the son, marijuana, vehicles, and keys. The search warrant allowed the officers to search all areas of the residence. 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 conducted himself in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant said an officer threw her son (the co-complainant's) shoes into the sewer during the arrest. The co-complainant denied that an officer took and discarded his shoes as alleged. The evidence proved that the acts, which provided the basis for the allegation, did not occur.

**SUMMARY OF ALLEGATIONS #2 and #3:** The officers arrested the co-complainant without cause.

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

**FINDINGS OF FACT:** The co-complainant denied having any narcotics. The named members did not recall the incident. Witness officers either did not recall the incident or said the co-complainant was arrested for narcotics sale. The cover officer said he observed the narcotics transaction. There were no other identified witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.



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**SUMMARY OF ALLEGATION #4:** The officer failed to loosen the co-complainant's handcuffs.

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

**FINDINGS OF FACT:** The co-complainant complained of tight handcuffs while at the station. Of the officers involved in the incident they either did not recall the incident, did not recall being at the station or denied hearing the co-complainant complain of tight handcuffs. There were no other identified witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #5:** The officer conducted himself in an inappropriate manner.

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

**FINDINGS OF FACT:** The co-complainant said the officer made him strip down to his under shorts and left him standing in this manner on the public sidewalk. The named member and the witness officer either denied that the co-complainant was left in the alleged manner or did not recall the incident. There were no other identified witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATION #6:** The officer damaged the complainant's property.

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

**FINDINGS OF FACT:** The co-complainant said while being searched the officer ripped his leather jacket. The named member did not recall the incident. Witness officers either did not recall the incident or denied any knowledge of the property damage. There were no other identified witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #7 and #8:** The officers used unnecessary force during the arrest.

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

**FINDINGS OF FACT:** The co-complainant said one of the officers grabbed him by his neck and pushed him against the wall and another officer punched him in his jaw. The named member did not recall the incident. Other officers at the scene either denied committing the alleged act or did not recall the incident. A copy of the co-complainant's Mug Shot documents no injury to the co-complainant's neck or jaw. A Medical Report documents superficial abrasions on the co-complainant's right face area. There were no other identified witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATIONS #1-5:** The officers entered the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainants alleged that the officers did not have any reason to enter their residence. The officers stated that they had a right to enter the residence based on multiple factors including that the officers knew from prior contacts that the two persons known to be inside the residence had court ordered warrantless search conditions. Also, one of the persons inside the residence when observed by officers on the street, fled from the officers into the residence while the second person inside the residence assaulted an officer by throwing a full, 46 ounce plastic bottle at the officer from inside the residence. The officers stated that the assault on the officer provided them the authority of a hot pursuit along with the warrantless search condition to enter the residence. Case law provides that officers are permitted to enter a residence with consent, probation or parole searches, with a warrant or in hot pursuit. The plastic bottle thrown at the officer was booked into evidence and research showed that the two persons inside the residence did have warrantless search conditions. The evidence proved that the acts which provided the basis for the allegations did occur, however said act was proper and lawful when the officers entered a residence in "hot pursuit" of a person who had just committed a crime by assaulting an officer and while invoking the warrantless search condition on two persons known to be inside the residence.

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

**FINDINGS OF FACT:** One complainant alleged that officers pointed firearms at her when they entered the residence. The named officers all stated that for officer safety reasons they had their weapons displayed when they entered the residence due to their knowledge that two persons inside the residence had gang associations, prior arrests and contacts for weapons, were on warrant less search conditions and one person had just assaulted an officer so the entry was considered potentially dangerous. However, all officers denied pointing a firearm at the complainant when they entered the residence. No independent witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation that an officer pointed a firearm at the complainant.

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**SUMMARY OF ALLEGATIONS #10-14:** The officers searched the complainant's personal property without cause.

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

**FINDINGS OF FACT:** The complainant alleged that officers searched her personal file cabinet. All officers that were inside the residence denied the allegation. No independent witnesses came forward during the investigation. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #15-19:** The officers intentionally damaged property without justification.

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

**FINDINGS OF FACT:** The complainant alleged that when the officers entered the residence they intentionally damaged a television and other items. All officers who entered the residence denied the allegation. No independent witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #20-22:** The officer's comments and behavior were inappropriate.

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

**FINDINGS OF FACT:** The complainants stated that the officer's comments and behavior were inappropriate. All officers denied the allegations. No independent witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #23-27:** The officer used profanity.

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

**FINDINGS OF FACT:** One complainant stated that an officer used profanity inside he residence. All officers who admitted to being inside the residence denied using profanity or hearing any other officer use profanity. No independent witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #28-32:** The officers searched a residence without cause.

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

**FINDINGS OF FACT:** The complainants stated the officers had no cause to search her residence. All officers stated that they had knowledge that a person with a court ordered warrant less search condition lived at the residence that allowed officers to search the premises. The officers also stated that they followed another person with a warrant less search condition to the residence and observed this person enter the residence. Evidence showed that the persons inside the residence did have warrant less search conditions which lawfully allowed officers to search the residence. The evidence proved that the act that provided the basis for the allegation did occur, however, the act of searching the residence of a person either on probation or parole with a warrant less search condition was lawful.

**SUMMARY OF ALLEGATIONS #33-35:** The officers failed to provide their star number upon request.

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

**FINDINGS OF FACT:** The complainant stated that officers did not provide their star numbers upon her request. Several officers denied that they were asked for their star numbers and two officers stated that they provided the requested information to the complainant when requested. No independent witnesses came forward during the investigation. There is insufficient evidence to either prove or disprove the allegations.

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

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

**FINDINGS OF FACT:** In the late afternoon, the complainant and her girlfriend were talking on the sidewalk in front of a business when the named officer and three other plainclothes officers left a restaurant and walked past the couple enroute to their unmarked patrol car. The named officer stated that the complainant's companion had puffy eyes as if she had been crying and the complainant had a stern face. The named officer asked if they were okay. Neither answered him. The complainant stared at the named officer with "an angry type smirk." The named officer told them not to loiter outside the business and to stop arguing if they were arguing. Obeying the officer's order, both the complainant and her companion began walking away. Using profanity, the complainant told the named officer that she did not have to do what he said. The named officer then ordered the complainant to give him her identification and to remove her hands from her pockets. When she declined, the named officer grabbed one of her arms, applied pressure to her mastoid nerve in her neck, and attempted to place her in handcuffs.

The named officer stated that he detained the complainant to investigate further whether the complainant and her companion had had a physical altercation. He also justified the detention because she had been loitering in a doorway and was wearing colors often worn by gang members in an area with significant gang activity and violent crime. The named officer denied that he detained the complainant because of her attitude.

One plainclothes officer accompanying the named officer stated that they had not seen anything that made him suspect the complainant was involved in criminal activity. None of the officers heard the couple say anything that indicated they had been physically fighting. The officers had not observed any gestures that indicated threatened physical violence. The complainant's companion did not say or express anything that indicated she needed or wanted help. The United States Supreme Court has long established that an individual's effort to ignore or decline an officer's request, without more, cannot supply grounds previously absent for an investigative detention. Verbal criticism, challenges and profanity directed at police officers, while discourteous, is not criminal and is protected by the First Amendment. A preponderance of the evidence establishes that the named officer lacked an objectively reasonable suspicion to believe that the complainant was involved in any criminal activity and therefore unlawfully detained her. A preponderance of the evidence proved that the conduct complained of did occur, and using as a standard applicable laws and the regulations of the Department, the conduct was improper.

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

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

**FINDINGS OF FACT:** The named officer stated that when he detained the complainant, he required her to provide identification and remove her hands from her pockets. The named officer acknowledged that when he initially talked with the complainant and her girlfriend he saw nothing to indicate that either woman had been the victim of physical violence. He did not see any bulges in the complainant's clothing nor did he articulate any objectively reasonable reason to believe that the complainant was armed and dangerous. A preponderance of the evidence established that the named officer lacked any objectively reasonable justification to detain the complainant and to believe that she was armed or dangerous. Thus, the officer's order that the complainant provide him her identification and remove her hands from her pockets was invalid. A preponderance of the evidence proved that the conduct complained of did occur, and using as a standard applicable laws and regulations of the Department, the conduct was improper.

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

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

**FINDINGS OF FACT:** A preponderance of the evidence established that the named officer lacked any objectively reasonable justification to believe the complainant was involved in criminal activity and armed and dangerous. Lacking the requisite basis to lawfully demand identification and order the complainant remove her hands from her pockets, the named officer could not arrest the complainant for resisting an arrest he was not lawfully entitled to make. A preponderance of the evidence proved that the conduct complained of did occur, and using as a standard applicable laws and the applicable regulations of the Department, the conduct was improper.



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

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

**FINDINGS OF FACT:** A preponderance of the evidence established that the named officer lacked any objectively reasonable basis to detain the complainant and order her to provide identification and remove her hands from her pockets. By grabbing hold of the complainant's arms, forcibly removing them from her pockets, and applying pressure to the mastoid nerve in the complainant's neck, and using a bar arm take down maneuver, the named officer used unnecessary force to detain and ultimately arrest the complainant. A preponderance of the evidence proved that the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

**SUMMARY OF ALLEGATION #5:** The officer made inappropriate comments and misused police authority.

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

**FINDINGS OF FACT:** The complainant stated that the named officer misused his police authority by demanding her identification, ordering her to take her hands out of her pockets, physically grabbing her hands, applying a mastoid pain compliance maneuver and arresting her. The complainant also stated that the named officer made inappropriate comments to her about needing to wipe off the look on her face.

The named officer denied that he misused his police authority, stating that he was justified to detain the complainant to determine whether there had been a physical altercation, the complainant and her companion had been loitering in a doorway and the complainant was wearing colors often worn by gang members in an area of significant gang activity and violent crime. The named officer denied using the rude or profane language the complainant said he used when telling her and her companion to move along. The named officer denied making an inappropriate statement to the complainant about the way she was staring at him.

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**SUMMARY OF ALLEGATION #5 (continued):** The complainant's companion stated that the named officer told them not to remain where they had been standing and to move along, but she did not recall the named officer using profanity or other inappropriate language when he said this. She did confirm hearing the named officer make an inappropriate comment to the complainant about the expression on her face. The incident report statement prepared by one of the named officer's partner quotes the complainant's companion as telling this officer that after the complainant stared at the officers, one officer told her "not to give him that look."

The complainant's family members, who came to the hospital she was taken to, stated that the complainant and her companion told them the night of the incident that one of the officers rudely objected to the way the complainant was looking and talking to him.

A preponderance of the evidence established that the named officer lacked any legal justification to detain the complainant. The detention and his subsequent enforcement actions appear motivated by his objection to the complainant's facial expression and to her rude and profane comments to him. The United States Supreme Court has long established that while officers may resent having obscene words and gestures directed at them, they may not take enforcement actions against an individual for words or gestures that are not merely lawful but protected by the First Amendment. A preponderance of the evidence proved that the conduct complained of did occur, and using as a standard applicable laws and the applicable regulations of the Department, the conduct was improper.

**SUMMARY OF ALLEGATION #6:** The officer uttered a sexual slur.

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

**FINDINGS OF FACT:** The complainant stated that the officer uttered a sexual slur when he ordered her and her companion to move along and leave the area. The named officer denied uttering the sexual slur. The complainant's companion stated that she did not recall the officer uttering a sexual slur. Witness officers, who were getting into or were inside an unmarked car nearby, said they did not hear the named officer utter a sexual slur. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #7:** The officer used unnecessary force on the complainant.

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

**FINDINGS OF FACT:** The complainant stated that multiple officers used unnecessary force by throwing her to the ground and causing an injury to her forehead. The incident report states that this named officer and another officer were the only officers who used force on the complainant. The other two officers who were present stated that they were inside their unmarked car and were not involved in taking the complainant to the ground. The complainant's companion stated that she was walking away, and when she turned around she saw four officers around the complainant who threw her to the ground. The named officer stated that he went to assist one of his partners, who was struggling with the complainant, and whom the complainant had attempted to punch. He stated they both grabbed the complainant and used bar-arm takedowns to take her face down to the sidewalk. The other officer who was involved in physically controlling the complainant confirmed the named officer's account. The two witness officers also confirmed this account, although they described the two involved officers as controlling the complainant's descent to the sidewalk. A forensic pathologist who reviewed the complainant's medical records and photographs of her injuries stated that the complainant's injury could have been sustained by her forehead coming into contact with the sidewalk, but she could not offer an opinion about how this occurred or about the force used. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainants said the officers were traveling on the same street, but in the opposite direction and could not have seen an object hanging from the rear view mirror. The officer driving the patrol car said he could see an object dangling from the rear view mirror in violation of Section 26708 of the Vehicle Code. A witness in the vehicle was no longer available to be interviewed. There is insufficient evidence to determine whether the officers could have seen the object in the rear view mirror prior to the stop rather than after the traffic stop at the driver's window.

**SUMMARY OF ALLEGATION #3:** The officer conducted inappropriate and intrusive searches of the complainants.

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

**FINDINGS OF FACT:** The complainant said the officer inappropriately put his hand underneath the underwear of both complainants, and touched their buttocks area during intrusive searches. A witness in the vehicle was not longer available to be interviewed. There were conflicting statements between the officers and the complainants. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #4:** The officer's threatening behavior and comments were inappropriate.

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

**FINDINGS OF FACT:** The complainant said the officer threatened to arrest him if he refused to accept a DMV notice of re-examination, and threatened to throw him to the ground if he continued resisting. The officer denied the allegation. He stated stating the DMV notice could be mailed, eliminating the need to threaten anyone, and that he only warned the co-complainant he would be taken to the ground if he continued resisting. There was conflicting evidence regarding this allegation because an officer can use force to overcome physical resistance during an arrest and the DMV notice of re-examination can be mailed to motorists. Two witnesses on scene gave conflicting statements, and another is no longer available to be interviewed. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #5:** The officer used excessive force upon the complainant during a detention.

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

**FINDINGS OF FACT:** The complainants gave conflicting statements regarding the actions by the officer and the level of force used during the complainant's detention. One witness on scene was unable to verify or deny the allegation; whereas, another witness was no longer available to be interviewed. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATIONS #6:** The officer handcuffed the complainants without justification.

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

**FINDINGS OF FACT:** The complainants stated they were not resisting and there was no need to handcuff them during their detentions. The officer and his partner denied the allegation and stated the complainants offered different levels of resistance during their detentions. A witness on scene is no longer available to be interviewed. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainants admitted that one of the complainants had nearly a half an ounce of marijuana inside the vehicle, but they denied they were smoking it in the car. The officers said they smelled marijuana during the traffic stop, found a burned marijuana cigarette inside the ashtray and two baggies of marijuana in the passenger compartment, and two of the passengers told them that they were smoking marijuana earlier in the evening at another location. Although a passenger in the vehicle is no longer available to be interviewed, the preponderance of the evidence established that the officers had probable cause to lawfully search the vehicle. The officer's actions were lawful and proper.

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**SUMMARY OF ALLEGATIONS #9:** The officers failed to issue certificates of release.

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

**FINDINGS OF FACT:** The complainants said they were handcuffed between ten-to-fifteen minutes. One complainant said he was not issued a certificate of release and the other complainant could not recall whether he was or not issued a certificate of release. The officers admitted that they were required, but failed to issue the complainants certificates of release as required by DGO 5.03.

**SUMMARY OF ALLEGATION #10:** The officer issued a DMV action without cause.

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

**FINDINGS OF FACT:** The complainants denied they were traveling too slowly on a roadway or that they had smoked marijuana inside the vehicle. However, their statements to the OCC and to the named officer corroborated that the complainant who was driving had recently smoked marijuana with the rest of the passengers at the co-complainant's residence. The officer stated that the passengers told him they were all smoking marijuana earlier at a residence. Under California Vehicle Section 21061 and a preponderance of the evidence, the officer was lawfully permitted to issue a notice of reexamination to the complainant based on a reasonable belief that the complainant exhibited evidence of incapacity while driving a motor vehicle. The officer also found burned marijuana inside the ashtray and two small baggies with nearly half an ounce of marijuana in the passenger compartment, and a digital scale hidden in the co-complainant's buttocks. The officer's actions were lawful and proper.

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**SUMMARY OF ALLEGATIONS #11:** The officer filed an inaccurate report.

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

**FINDINGS OF FACT:** The complainants stated that several representations to the DMV were inaccurate. However, their statements to the OCC and to the named officer corroborated that the complainant who was driving had recently smoked marijuana with the rest of the passengers at the co-complainant's residence.

**SUMMARY OF ALLEGATION #12:** The officer issued an invalid order.

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

**FINDINGS OF FACT:** The complainants stated the officer ordered the co-complainant to get out of the car, throw all his marijuana on the ground, and step on it. The officers denied the allegation. One witness on scene is no longer available to be interviewed. There is insufficient evidence to either prove or disprove the allegation.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/23/10    **DATE OF COMPLETION:** 07/29/11    **PAGE #** 6 of 6

**SUMMARY OF OCC ADDED ALLEGATIONS #1:** The officer failed to write an incident report.

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

**FINDINGS OF FACT:** The officer admitted that based on the facts of this traffic stop that included the detentions of both complainants in physical restraints for approximately twenty minutes and the ensuing medical marijuana investigation leading to the discovery of nearly half an ounce of marijuana, and a digital scale hidden in the co-complainant's buttocks area, the officer was required and failed to prepare an incident report in violation of DGO 5.03, DB 09-295, and DB 10-182.

**SUMMARY OF OCC ADDED ALLEGATION #2:** The officer failed to follow DB 09-295.

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

**FINDINGS OF FACT:** The preponderance of the evidence established the officer found nearly half an ounce of alleged medical marijuana in the passenger compartment in two separate baggies, a burned marijuana cigarette in the ashtray, a digital scale hidden in the co-complainant's buttocks area, but he lacked a medical marijuana card. The officer admitted and a patrol supervisor corroborated that based on the aforementioned facts of this traffic stop it would have been prudent to request the response of a supervisor to provide guidance and assistance to the officer with their medical marijuana investigation. Supervisors concurred that the officer should have but failed to seize the contraband and take some enforcement action consistent with DB 09-295.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/23/10      **DATE OF COMPLETION:** 07/15/11      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant alleged that after the officer issued a traffic citation to her, the officer did not inform her of the means available to her for disposing of the citation. The officer acknowledged that he did not inform the complainant of the options she had available in disposing of the ticket. The officer stated that since the complainant did not ask him this question, he was not required to inform her. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer was rude and failed to inform her about the options she could take in disposing of a traffic citation the officer issued to her. The officer denied being rude and offensive. 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:** 08/24/10    **DATE OF COMPLETION:** 07/22/11    **PAGE #1** of 2

**SUMMARY OF ALLEGATION # 1:** The officer detained the complainant for a psychiatric evaluation without justification.

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

**FINDINGS OF FACT:** The preponderance of the evidence demonstrated that the complainant was upset, made a false bomb threat, putting at risk the health and safety of many residents with physical disabilities who were not able to evacuate by themselves and had to be helped by SFFD personnel. The officer's decision to place a psychiatric hold on the complainant for being a danger to others was lawful, and proper.

**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 the officer refused to retrieve her medications from her apartment prior to her transportation to the hospital. None of the witnesses on scene recalled the complainant requesting for her medications from her apartment, and one of them would have sought access to the complainants apartment had she asked. The officer did not recall being asked to retrieve her medications. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/24/10    **DATE OF COMPLETION:** 07/22/11    **PAGE #2** of 2

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

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

**FINDINGS OF FACT:** The complainant alleged the officer acted in a threatening manner and made inappropriate comments as he was pushing her wheelchair from the basement of a building up to street level to be placed inside an ambulance. The officer and one witnesses on scene denied the allegation. There is evidence of resentment between the complainant and property management. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer caused Animal Care and Control to take her cat away rather than leave it with neighbors as she had instructed. The officer denied the allegation and believed the complainant gave verbal consent to tenant services personnel in her building to take care and responsibility of her cat. One witness could not verify or deny the allegation, but another one confirmed the complainant gave her consent to leave her cat with neighbors who could not be contacted. Another manager had contacted Animal Care and Control to care for the cat in the complainant's absence. Therefore, the officer was not involved in the decision to contact Animal Care and Control.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/30/10      **DATE OF COMPLETION:** 07/08/11      **PAGE # 1 of 2**

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

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

**FINDINGS OF FACT:** The named officer had no independent recollection of this incident. The witness officers also reported they had no independent recollection of this event. The witness was not in a position to see or hear the interaction between the complainant and officer.

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

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

**FINDINGS OF FACT:** The named officer had no independent recollection of this incident. The witness officers also reported they had no independent recollection of this event. The witness was not in a position to see or hear the interaction between the complainant and officer.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/30/10      **DATE OF COMPLETION:** 07/08/11      **PAGE # 2 of 2**

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

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

**FINDINGS OF FACT:** The named officer had no independent recollection of this incident. The witness officers also reported they had no independent recollection of this event. The witness was not in a position to see or hear the interaction between the complainant and officer.

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

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

**FINDINGS OF FACT:** The named officer had no independent recollection of this incident. The witness officers also reported they had no independent recollection of this event. The witness was not in a position to see or hear the interaction between the complainant and officer.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/27/10      **DATE OF COMPLETION:** 07/15/11      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The anonymous female complainant alleged a plainclothes officer detained her at a certain time and place. Department records for the plainclothes unit on duty in the district on the morning in question did not disclose any contact with a female at the time and place indicated. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 09/01/10    **DATE OF COMPLETION:** 07/28/11    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant said the officer questioned him without reading him his rights. The officer said she did not read the complainant the Miranda Warning because at the time she was questioning him, during the initial contact, the complainant was not officially under arrest. The officer said that once the sergeant took over the investigation, the sergeant read the complainant his Miranda Rights. The officer further explained that her role in the vehicle theft operation was to ask “general questions” and that through these general questions to determine whether to release or arrest the subject. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #2-3:** The officers used unnecessary force during the complainant’s arrest.

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

**FINDINGS OF FACT:** The complainant said the officers used unnecessary force during the arrest, causing him pain and injury. The officers either denied the allegation or did not recall the incident. A review of the videotape of the incident does not document the entire contact between the officers and the complainant in order to conclude that the force used by the officers was proper. Witness officers at the scene either did not recall the incident or denied seeing any officer use unnecessary force. There is insufficient evidence to either prove or disprove the allegation.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/02/10    **DATE OF COMPLETION:** 07/29/11    **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant stated two plain clothes officers stopped, detained, and handcuffed him while he was riding his bicycle and not violating any laws. The complainant admitted he wore headphones in his ears, a violation of the Vehicle Code, but the complainant stated the officers never mentioned that violation or any other traffic violation to him during his detention. The complainant stated one of the officers repeatedly told him he had stolen the bicycle he was riding but never investigated when he offered proof of ownership. The officers stated that the complainant had ridden his bike through two red lights. Additionally one of the officers had previously arrested the complainant for a bicycle theft several years ago and thought that the bike the complainant was riding may have been stolen. The witnesses did not see the initiation of the detention. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated a plain-clothes officer searched him and his belongings without cause. The officer said that during the detention the complainant started yelling and became very agitated. A deputy sheriff witness stated that he moved closer to observe because he was concerned for the officers' safety. Other witnesses who observed said the complainant was agitated, but did not see the start of the detention. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICER OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/02/10    **DATE OF COMPLETION:** 07/29/11    **PAGE#** 2 of 4

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

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

**FINDINGS OF FACT:** The complainant alleged the officer hurt his arm by painfully pulling it during his detention. The officer denied the allegation. The witnesses did not hear the complainant express any pain at the scene. The complainant was uninjured. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #5:** The officer seized the complainant's property without cause.

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

**FINDINGS OF FACT:** The complainant stated the officer seized his pocketknife during the detention and failed to return it. The officer denied the allegation. Witnesses heard the complainant state his knife was missing, but did not see the officer either confiscate a knife or return the knife. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**DATE OF COMPLAINT:** 09/02/10    **DATE OF COMPLETION:** 07/29/11    **PAGE#** 3 of 4

**SUMMARY OF ALLEGATION #6:** The officer made inappropriate comments and acted in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant stated two plainclothes officers detained him. He said the detaining officer wrongly accused him of stealing the bike he was riding and using illegal drugs. He also said the officers laughed and mocked him during the course of the detention. The deputy sheriff witness who observed part of the incident stated that both officers were able to calm the complainant who was very agitated. Other witnesses who worked at the mental health clinic where the complainant was a client, observed part of the incident, and stated that the second officer had a role in exacerbating the first officer's inappropriate behavior. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #7:** The officer made inappropriate comments and acted in an inappropriate manner.

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

**FINDINGS OF FACT:** The evidence demonstrated that two plain-clothes officers detained the complainant after they reportedly observed the complainant ride his bicycle against a red light. Additionally, the named officer recognized the complainant from an incident seven years ago when the complainant had stolen a bicycle and the named officer wanted to investigate the ownership of complainant's bike. The complainant became very agitated during the encounter. Witnesses who worked at the mental health clinic where the complainant received services attempted to calm the complainant and help explain to the named officer that the complainant had bought the bicycle from one of the clinic's case managers. These witnesses stated the named officer did not explain to the complainant why he had been stopped and treated the complainant in a mocking and accusatory manner that was not professional. Although these witnesses were not present for the entire incident and did not know of the complainant's previous contacts with the named officer, the witnesses stated that the officer's demeanor exacerbated the situation. The OCC recommends that the officer be provided additional training concerning communication and de-escalation skills, particularly concerning individuals with mental illness.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/02/10    **DATE OF COMPLETION:** 07/29/11    **PAGE#** 4 of 4

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

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

**FINDINGS OF FACT:** The evidence demonstrated that the named officer detained the complainant after he reportedly observed the complainant ride against a red light on his bicycle. Additionally, the named officer recognized the complainant from an incident seven years ago when the complainant had stolen a bicycle and the named officer wanted to investigate the ownership of complainant's bike. The officer handcuffed the complainant, searched him and his backpack, ran him for warrants, and ultimately released him. The evidence indicates that the named officer did not write an Investigative Report and did not provide the complainant a Certificate of Release as required by Department General Order 5.03. 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 OCC ADDED ALLEGATION #2:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The evidence demonstrated that this named officer provided cover to the other named officer who was the lead officer. The lead officer initiated the detention of the complainant, handcuffed the complainant with the cover officer's assistance, searched, questioned and ultimately released the complainant from handcuffs. Thus, the lead officer was responsible for issuing a certificate of release and writing an incident report as required by Department General Order 5.03. The evidence demonstrates that the cover officer was not responsible for the acts alleged.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 09/03/10    **DATE OF COMPLETION:** 07/20/11    **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant alleged he was detained without justification simply because his friend was running toward him, pursued by the officers. The officers denied the allegation and stated they had a consensual encounter with the complainant and his friend. There were no other witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer threatened to call ICE if he did not shut up, and later disrespected him by repeating the order to shut up and separate from his friend. A witness on scene provided a statement that was inconsistent to support a finding of sustainable misconduct. There is no other witness, therefore, there is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 09/03/10    **DATE OF COMPLETION:** 07/20/11    **PAGE#** 2 of 4

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

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

**FINDINGS OF FACT:** The complainant alleged the officer stated that all Mexicans have fake identifications and then asked he and his friend for their fake identifications. The complainant also alleged the officer unnecessarily bent his and his friend's identification cards while inspecting them. Four witnesses on scene gave conflicting statements regarding the allegation. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #7:** The officer's behavior was inappropriate.

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

**FINDINGS OF FACT:** The complainant alleged the officer took a picture of him and his friend without consent or justification. The officer denied the allegation. Four witnesses gave conflicting statements regarding the allegation. There is insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/03/10    **DATE OF COMPLETION:** 07/20/11    **PAGE#** 3 of 4

**SUMMARY OF ALLEGATIONS #8:** The officer made a racially derogatory remark.

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

**FINDINGS OF FACT:** All officers on scene denied the allegation and one witness gave an inconclusive statement. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #9:** The officer used profane language.

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

**FINDINGS OF FACT:** The complainant stated that after he and his friend were released, an unidentified officer told them in a profane manner to get out of the area. A dependent witness on scene positively identified the named officer as the officer who made the profane remark. Four witnesses gave conflicting statements regarding the allegation. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 09/03/10    **DATE OF COMPLETION:** 07/20/11    **PAGE#** 4 of 4

**SUMMARY OF ALLEGATIONS #10:** The officer used uncivil language.

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

**FINDINGS OF FACT:** The complainant stated that according to his friend, the officer made an uncivil statement to him in Spanish after their release. The complainant's friend stated the named officer yelled something at him but he could not hear it. The officer denied the allegation. Three other witnesses denied 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:** 09/16/10 **DATE OF COMPLETION:** 07/20/11 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complaint alleged the officers targeted him due to his race. The complainant did not produce any specific data or document regarding enforcement actions against him. The officers and plainclothes officers in the district stated that their responses to the complainant's residence in the alleged four months period were either on viewed, reported to the anonymous telephone line at the station or supervisory responses at the request of the complainant. The officers were interviewed relative to the OCC's biased policing protocol and denied the allegation. However, SFPD members did not produce either any documented evidence related to complaints against the complainant or his address. The residential convalescent home across the street from the complainant did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #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 asked him inappropriate personal questions and accused him of being the focus of attention of the residential convalescent home across the street due to his involvement in narcotics activities. The officer said he responded to the complainant's residence at the request of the complainant due to his complaint about cameras aimed at his residence. However, the officer denied he asked inappropriate questions or made any unwarranted accusation. Neither the complainant's witnesses nor personnel from the residential convalescent home across the street from the complainant's residence responded to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 09/16/10 **DATE OF COMPLETION:** 07/20/11 **PAGE#** 2 of 2

**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 called the officer at the station about cameras from a private residential convalescent home across the street aimed at his residence. The officer denied the allegation and stated he responded to the complainant's residence at his request and related the concerns of the facility across the street. However, the officer also stated he explained to the complainant he had no control over the equipment of a private facility.

**SUMMARY OF ALLEGATIONS #5-7:** The officers were harassing the complainant.

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

**FINDINGS OF FACT:** The complainant stated the officers parked across the street and observed his residence as a form of harassment. The officers denied the allegation and stated they were either walking or driving by the complainant's residence when they observed parking violations and what appeared to be a hand-to-hand transaction between the complainant and another individual. The officers said they inquired about the complainant's residence from other station personnel and conducted a short surveillance of the complainant's residence without making contact. The complainant observed them and confronted them with homophobic remarks so they terminated the surveillance. There is insufficient evidence to either prove or disprove the allegations.

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**DATE OF COMPLAINT:** 09/16/10    **DATE OF COMPLETION:** 07/15/11    **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 stated the officer arrested him without cause. The officer stated the complainant robbed him as he was working as a decoy officer in a robbery abatement operation. The complainant denied robbing the officer. Witness officers observed the complainant rob the named officer. 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 ALLEGATION #2:** The officer used racial slurs.

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

**FINDINGS OF FACT:** The complainant stated the officer used racial slurs. The officer denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/16/10 **DATE OF COMPLETION:** 07/15/11 **PAGE#** 2 of 2

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

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

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

**SUMMARY OF ALLEGATION #4:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant stated the officer misrepresented the truth in court when he stated he feared for his life when he made contact with the complainant. The officer stated he was truthful when he stated he feared for his life during this incident. Witness officers stated the officer appeared to be scared during this incident. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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**DATE OF COMPLAINT:** 09/16/10 **DATE OF COMPLETION:** 07/15/11 **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 stated the officer arrested him without cause. The officer stated the complainant robbed him as he was working as a decoy officer for a robbery abatement operation. The complainant denied robbing the officer. Witness officers observed the complainant rob the named officer. 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 ALLEGATION #2:** The officer used racial slurs.

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

**FINDINGS OF FACT:** The complainant stated the officer used racial slurs. The officer denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

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

**SUMMARY OF ALLEGATION #4:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant stated the officer misrepresented the truth in court when he stated he feared for his life when he made contact with the complainant. The officer stated he was truthful when he stated he feared for his life during this incident. Witness officers stated the officer appeared to be scared during this incident. There are 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:** 09/16/10    **DATE OF COMPLETION:** 07/14/11    **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency (SFMTA)  
Department of Parking and Traffic  
11 South Van Ness Avenue, 7<sup>th</sup> Floor  
San Francisco, CA 94103

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/20/10 **DATE OF COMPLETION:** 07/12/11 **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 December 10, 2010.

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

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

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



**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 09/20/10 **DATE OF COMPLETION:** 07/12/11 **PAGE #2** of 2

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

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

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

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**SUMMARY OF ALLEGATION #1-2:** The officers entered and searched a residence without cause.

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

**FINDINGS OF FACT:** The complainant stated that officers entered and searched her residence without a warrant. The complainant added that her adult son told her that he was not on probation or parole. The officers stated that they did not need a search warrant to enter and search the home as they conducted a warrantless probation search on the residence as the complainant's son was on probation with a warrantless search condition and registered at that address. Furthermore they had an arrest warrant for another person who listed the residence as their address. The officers actions were proper and lawful.

**SUMMARY OF ALLEGATION #3-4:** The officer's comments/behavior were inappropriate.

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

**FINDINGS OF FACT:** The complainant stated that the officers made inappropriate statements to her at the scene. Both officers denied the allegation. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer seized property without justification.

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

**FINDINGS OF FACT:** The complainant stated that the officers seized property without justification. The named officer stated that during a probation search at the complainant's residence, he found an illegal firearm, ammunition and gang indicia that he seized as evidence. The witness officer confirmed that the named officer seized the property. The complainant denied that the property was hers. The officers were conducting a probation search of a residence when they located the contraband and were obligated to seize the property under California law that felons cannot possess firearms and other evidence of potential criminal activity.

**SUMMARY OF ALLEGATION #6-7:** The officers failed to present a search warrant to the complainant.

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

**FINDINGS OF FACT:** The complainant stated that she asked the officers for a search warrant and they would not provide her with a copy of the search warrant. The officers stated that they conducted a warrantless probation search of the residence and did not need a search warrant. The evidence showed that a person registered to the complainant's residence was on probation with a warrantless search condition and therefore the officers were not required to either have a search warrant or to present a search warrant to the complainant. The evidence showed that the conduct alleged did occur, however said conduct was proper and lawful.

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**SUMMARY OF ALLEGATION #8:** The officer failed to properly document a seized firearm.

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

**FINDINGS OF FACT:** The complainant stated that the officer did not properly document a seized firearm. The officer and a witness officer stated that the illegal and seized firearm was documented on the incident report. A review of the incident report shows that the firearm was documented in the report as seized by the named officer. The evidence established that the action complained of did not occur as the seized firearm was documented in the incident report.

**SUMMARY OF ALLEGATION #9-10:** The officers harass the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the officers have come to her residence on multiple occasions and have conducted surveillance on her residence including parking directly in front of her home. One officer stated that he has conducted surveillance on the complainant's residence searching for suspects but not by parking directly in front of the residence as that would not make much sense. The second officer stated that he has had knowledge of the complainant and her sons since he came into the police department over 18 years ago. He recalled that he responded to the residence in the past few months to conduct a search. He stated that on numerous occasions he has been summoned or responded to their residence to investigate the complainant's son. That particular son had allegedly committed but also been convicted of multiple crimes. A review of the evidence shows that the complainant's sons have been arrested for many alleged criminal violations throughout the past fifteen years. One son was on probation at the time of this incident and the other son had an outstanding arrest warrant. During this incident an illegal firearm and ammunition were located and seized. Based on a totality of the evidence, the officers acted properly and lawfully based on the knowledge they have of the complainant's family and their alleged criminal activity and therefore the officers did not harass the complainant.

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**SUMMARY OF ALLEGATION #1:** The officer displayed his firearm without justification.

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

**FINDINGS OF FACT:** The complainant alleged the officer drew and aimed his firearm at he and his mother without justification. The officer and his partner were investigating an assault and when they approached the complainant assailant, a 70 pound dog appeared ready to attack the officer. The preponderance of the evidence established that the officer had justifiable cause to draw and aim his firearm in the direction of the charging dog. The complainant gave OCC inconsistent statements about the timing and circumstances surrounding the officer's drawing of his firearm at the gate while admitting that the officer might have been aiming his weapon at his charging dog when the gate was still partially open and under his control. The complainant's mother gave conflicting statements to OCC and SFPD as to what happened between her sons and what occurred at the gate. The officer's actions were lawful and proper under the circumstances.

**SUMMARY OF ALLEGATIONS #2-3:** The officers arrested the complainant without cause.

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

**FINDINGS OF FACT:** Based on the complainant's admissions and inconsistencies of the complainant's mother to OCC and SFPD, coupled with the corroborating statement by a neighbor regarding the assault by the complainant with his hands and with his dog, the preponderance of the evidence established that the elements of the crimes for the booking charges were appropriate. The officer's actions were proper and lawful.

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**SUMMARY OF ALLEGATIONS #4-5:** The officers failed to properly process property

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

**FINDINGS OF FACT:** The complainant said the officers seized and retained his gate key without documenting it. The officers booked the item in their incident report as an evidentiary item in relation to the resisting, delaying or obstructing charges approved against the complainant. The officers' actions were lawful and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated the officer used profanity during numerous telephone conversations. The officer denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in this complaint.

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

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

**FINDINGS OF FACT:** The complainant stated the officer has failed to return his property since the dismissal of his case. The officer admitted to not returning the complainant's property, however, the property is still considered evidence to the case because the district attorney has 3 years to re-file charges, as this case fell into cases that had issues with the crime lab that tested the narcotics in the case. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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**SUMMARY OF ALLEGATION #1:** The officer behaved in a threatening manner.

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

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

**SUMMARY OF OCC ADDED ALLEGATION #1:** The officer failed to comply with Department Bulletin #08-268.

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

**FINDINGS OF FACT:** The officer said he could not recall whether or not he collected and entered the required E585 entry. An E585 System Data Search was performed by the Department and found that no E585 entries were made by the named officer. 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 #1:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant alleged the officer initially told him he ran a stop sign. When the complainant challenged the officer and said there was no stop sign at the particular intersection, the officer said the complainant ran a stop light. The complainant was confused over the exact nature why he was being stopped and questioned whether the officer was accurate in citing the complainant for the violation. 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 #2:** The officer failed to take the required action.

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

**FINDINGS OF FACT:** The complainant alleged the officer asked for his driver's license and retreated to the patrol car without providing the complainant with an explanation of why the complainant was being stopped. The officer stated he did provide the complainant with an explanation of the traffic infraction the complainant committed. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer became rude after the complainant challenged the validity of the officer issuing the complainant a traffic citation. The officer asked the complainant whether he had been drinking. The complainant responded no, and the officer requested the assistance of a DUI Specialist to assist in the investigation. The officer denied being rude but admitted to requesting the assistance of a DUI Specialist. The officer saw the complainant straddling the lines marking the traffic lanes, which can be indicative of the driver being under the influence. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant alleged he told the officer he wanted to make a complaint against another officer who had stopped the complainant for a traffic infraction, but the officer told him he was unable to take the complaint at that time. When questioned by the OCC, the officer stated the complainant never said he wanted to make a complaint against the other officer. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION # 1:** The officer failed to follow rules of the road.

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

**FINDINGS OF FACT:** The officers questioned regarding this allegation denied having encountered the complainant. The identity of the alleged officer has not been established. No other witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer behaved inappropriately and made inappropriate comment(s).

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

**FINDINGS OF FACT:** The officers questioned regarding this allegation denied having encountered the complainant. The identity of the alleged officer has not been established. No other witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated two uniformed officers detained him in handcuffs without justification. The officers denied the allegation. They said the complainant, by his actions, interfered with their ongoing detention of two individuals for an infraction. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

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

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**SUMMARY OF ALLEGATIONS #4-5:** The officers interfered with the rights of onlookers.

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

**FINDINGS OF FACT:** The complainant alleged the officers kept him from observing the scene where they had two people detained. The officers denied the allegation. They said the complainant was too close to them. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATIONS #6-7:** The officers acted/spoke in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant alleged the officers acted/spoke in an inappropriate manner, stating an officer smirked at him, while another spoke in police “code” about the complainant. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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**SUMMARY OF ALLEGATIONS #8-9:** The officers harassed the complainant.

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

**FINDINGS OF FACT:** The complainant alleged the officers have contacted him without reasonable suspicion since the incident complained of, speaking to him on the street, essentially portraying him as a police informant or “snitch.” The officers denied the allegation, stating that they see the complainant every day. One officer named two specific locations where the complainant spends time on a regular basis. That same officer stated he had arrested the complainant for a vehicle code violation and provided the report number to the OCC as verification. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #10:** The officer failed to provide his name and star number.

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

**FINDINGS OF FACT:** The complainant alleged the officer failed to provide his name and star number upon request. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer improperly cited him for interfering with an investigation. The complainant observed two officers citing two acquaintances for an infraction and one person was unhappy about the situation. The complainant said he had made suggestions to those cited regarding their right to protest the citation. The officers denied the allegation, stating the complainant was loud, approached them at an unsafe distance, and refused to move when told. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #12:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant alleged a backup officer made an inappropriate comment to him while he was detained. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officers failed to take required action. He said the officer failed to give him a courtesy call when his stolen vehicle was recovered. The officers denied the allegation and stated that Dispatch called the complainant leaving him a voice message. The evidence shows that a call was made to the complainant when his vehicle was recovered. The evidence shows that Dispatch, not the officers, had the duty to call and notify the complainant. 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 #3:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The complainant alleged that the officer failed to take required action by releasing his vehicle without waiving the fees. The officer denied the allegation. The officer denied personally releasing the vehicle and stated that the complainant opted to retrieve it. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.



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**SUMMARY OF ALLEGATION #4:** 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 officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #5:** The officer failed to provide his star number on request.

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

**FINDINGS OF FACT:** The complainant alleged that the officer failed to provide his star number. 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 #1:** The officer cited the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that at 7:00 a.m. with no traffic in sight, he walked through an intersection against a red light. The officer and a witness officer stated they observed the complainant walk against a red light in violation of CVC 21453(d). CVC 21453(d) states in relevant part that a pedestrian facing a steady circular red or red arrow signal shall not enter the roadway. There are no exceptions listed in the vehicle code regarding this violation. The evidence showed that the act alleged that provided the basis for the allegation occurred, however said act was proper and lawful.

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

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

**FINDINGS OF FACT:** The complainant admitted that he crossed a street through an intersection against a red light. The officer and a witness officer both stated that they observed the complainant cross a street against a red light in violation of CVC 21453(d) and that the complainant was detained for that violation. CVC 21453(d) states in relevant part that a pedestrian shall not enter a roadway against a red light. The evidence showed that the act alleged that provided the basis for the allegation occurred, however the detention was proper and lawful as the officers had probable cause to detain the complainant based on the violation committed by the complainant.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer made inappropriate comments. The officer and witness officers denied the allegation. There were independent witnesses to this contact. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer handcuffed him without justification. The complainant also stated that he was in disbelief that he had been stopped in his own neighborhood for jaywalking and was not going to provide the officer his name as he walked on his way to do laundry. The officer and a witness officer stated that the complainant was not following advisements to stop and was not cooperating with the investigation. The named officer stated that he observed the complainant commit a violation and that he issued advisements that were not complied with by the complainant who he then detained in handcuffs. The evidence showed that the act that provided the basis for the allegation did occur, however under department procedures, a person can be detained in handcuffs if the person does not follow advisements, is uncooperative, and the officer had probable cause to detain the person. The complainant admitted that he was not cooperating when he refused to follow the officers advisements.

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

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

**FINDINGS OF FACT:** The complainant stated that when the officer was stopping him the complainant reached into his pocket for his wallet and brought his wallet out. At that time, the officer grabbed the complainant's arm to place him in handcuffs so the complainant returned the wallet to his pocket with his other hand. The officer stated he did not recall searching the complainant but did go into the complainant's pocket to retrieve the identification after the complainant was handcuffed and when directed by the complainant. No other officer observed or recalled a search. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The complainant stated that the officer issued her a citation for violating CVC 23123a –Cell phone violation. The complainant denied that she was on her cell phone or holding it in her hand while driving and presented cell phone billing that showed no incoming or outgoing calls. The officer stated that he observed the complainant drive two blocks with her cell phone in her hand and at her right ear. There were no independent witnesses to this contact. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**SUMMARY OF ALLEGATION #2:** The officers behavior and comments were inappropriate.

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

**FINDINGS OF FACT:** The complainant stated that the officer raised his voice and yelled at her, and made inappropriate comments and representations regarding her driving skills. The officer denied the allegation. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation.

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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 stated that as a valid licensed driver, he went with his niece to the S.T.O.P. Program in order to get a vehicle released to him. After the officer told his niece that he could not help them, they began speaking in Spanish among themselves. The complainant alleged the officer then made an inappropriate, profane, racial slur, and asked them to wait for the Spanish-speaking officer to return to duty. A dependent witness on scene said the officer made a similar remark, which was not entirely consistent with the remark alleged by the complainant. The officer denied the allegation and stated the complainant made a profane and sexually charged remark toward him in Spanish at which time he asked them to leave, but they refused to do so. Another witness on scene did not respond to multiple OCC requests for an interview. There were no other known witnesses and therefore insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer used profane language.

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

**FINDINGS OF FACT:** The complainant alleged the officer used profane language while communicating to his niece and him, an inappropriate remark with profanity, a racial slur, and an insensitive message. The dependent witness on scene said the officer made a similar remark, which was not entirely consistent with the remark alleged by the complainant. The officer denied the allegation and stated the complainant made a profane and sexually charged remark toward him in Spanish at which time he asked them to leave, but they refused to do so. Another witness on scene did not respond to multiple OCC requests for an interview. There were no other known witnesses and therefore insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #3:** The officer used a racially derisive remark.

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

**FINDINGS OF FACT:** The complainant alleged the officer made a racially derisive remark while communicating to his niece and him, an inappropriate remark with profanity, a racial slur, and an insensitive message. A dependent witness on scene said the officer made a similar remark, which was not entirely consistent with the remark alleged by the complainant. The officer denied the allegation and stated the complainant made a profane and sexually charged remark toward him in Spanish at which time he asked them to leave, but they refused to do so. Another witness on scene did not respond to multiple OCC requests for an interview. There were no other known witnesses and therefore insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant alleged the officer engaged in biased policing due to race by impeding them from talking with other S.T.O.P. staff members until the Spanish-speaking officer they were dealing originally with returned in half an hour. The officer denied the allegation and the presence of the registered owner, and stated there was something wrong with the request to release the vehicle. The officer also stated the complainant made a profane and sexually charged remark toward him in Spanish at which time he asked them to leave, but they refused to do so. Two witnesses on scene gave conflicting statements and a third witness did not respond to OCC requests for an interview. The witness who spoke with the officer did not respond to OCC multiple requests for additional information in this case. S.T.O.P. policy directs bilingual officers to ensure that monolingual motorists understand the information in the paper work they are signing since the forms have not been translated into Spanish or other primary languages. Consequently, the Spanish-speaking officer needed to complete an explanation with the complainant who was about to receive the vehicle. There is insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer issued an invalid order.

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

**FINDINGS OF FACT:** The complainant stated that according to his niece the officer stated he could not help them, and they had to wait until the Spanish-speaking officer returned half an hour later. The officer denied the allegation, stated there was something wrong with the request to release the vehicle, but the complainant made a profane and sexually charged remark to him in Spanish. At that point the officer said he asked them to leave, but the complainant and his niece refused to do so. Other witnesses present or involved with this vehicle release gave conflicting statements regarding the alleged invalid order. There is insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #6:** The officer failed to follow proper procedures as required in DGO 5.20.

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

**FINDINGS OF FACT:** The complainant stated his niece spoke in Spanish in the morning with one officer and in English at noon with another, who had them wait half an hour for the Spanish-speaking officer to return to duty. The Spanish-speaking officer was in fact at lunch when the complainant's niece returned to S.T.O.P. The officer denied the allegation and stated the complainant's niece spoke with him in English. After the complainant insulted the officer, the officer asked them to leave the office but they would not leave. Although Department policy requires officers to take every reasonable step to ensure timely and accurate communication and access to all individuals, the evidence revealed a special need at the S.T.O.P. detail to ensure Spanish-speaking motorists receive an explanation and understand the forms they are about to sign whether it is a hold harmless form or a DMV stipulated vehicle release agreement. The OCC investigation revealed that none of the four forms used at the detail have been translated into the Spanish language. Motorists have signed the English language form and claimed later they did not understand its meaning. The OCC recommends the Department translate all four forms in the predominantly spoken languages in San Francisco while it maintains bilingual personnel as needed.



**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 10/25/10 **DATE OF COMPLETION:** 07/22/11 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant said the officers arrested her without cause. The officers stated the complainant was arrested for selling narcotics. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer searched her person without cause. The officer stated the search was conducted incident to arrest. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 10/25/10 **DATE OF COMPLETION:** 07/22/11 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #4-5:** The officers transported the complainant with male prisoners.

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

**FINDINGS OF FACT:** The complainant alleged that after her arrest, the officers transported her to the police station with male prisoners. The officers stated the complainant was placed in a separate compartment from the male prisoners in the transport vehicle. The evidence shows that the complainant and the male prisoners were transported in a police wagon that has separate compartments. 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:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 10/28/10    **DATE OF COMPLETION:** 07/22/11    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1 & 2:** The officers used unnecessary force in the arrest.

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

**FINDINGS OF FACT:** The complainant alleged the officers told the complainant to get against the wall of a building. The complainant said he refused because he did not want to get dirty. An officer grabbed the complainant by the elbow, and the complainant pulled his elbow away from the officer's grasp. The complainant said the officers began striking him in the legs and thighs with their batons; so, he moved and jumped out of the way of their strikes. The officers then tackled the complainant to the ground and handcuffed him. The officers said they initially stopped the complainant for jaywalking. They informed the complainant of the reason for stopping him and requested his identification. For reasons of officer safety, they told the complainant to back up against the wall and keep his hands down by his sides because the complainant kept adjusting a T-shirt wrapped around his head. The complainant refused all of their verbal commands and became increasingly belligerent. The officers said they exhausted all of the procedures described in DGO 5.01 and used only the amount of force necessary to subdue the complainant, which included striking the complainant in the legs with their batons. The evidence proved that the acts, which provided the basis for the allegations, occurred, however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATIONS #3 & 4:** The officers detained the complainant without cause.

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

**FINDINGS OF FACT:** The complainant said the officers detained him for no valid reason. The officers said they initially stopped the complainant for jaywalking. Both officers were standing on the opposite side of the intersection when the complainant walked across the intersection, in violation of the traffic signal, directly in front of the officers. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 10/28/10    **DATE OF COMPLETION:** 07/22/11    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant said the officers arrested him for no valid reason. The officers said they initially stopped the complainant for jaywalking, but the incident escalated due to the complainant's belligerent behavior and refusal to comply with the commands of the officers. The officers ultimately arrested the complainant for resisting arrest. The complainant admitted to refusing the officers' commands and pulling away from the grasp of one of the officers. The evidence proved that the acts, which provided the basis for the allegations, occurred, however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 11/01/10      **DATE OF COMPLETION:** 07/22/11      **PAGE #1** of 2

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

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

**FINDINGS OF FACT:** The officers observed expired registration tabs on the license plate of the vehicle driven by the complainant. They ran the license plate through DMV records, confirmed the registration was expired and made a traffic stop on the complainant. The complainant provided his DMV registration card, which corroborated the registration was expired at the time of the traffic stop. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The officer confirmed the registration was expired through DMV records and issued a citation for vehicle code section 4000(a). The complainant provided his DMV registration which corroborated the registration was expired at the time of the traffic stop. The witness officer corroborated the account of the expired registration on the complainant's vehicle. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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**DATE OF COMPLAINT:** 11/01/10      **DATE OF COMPLETION:** 07/22/11      **PAGE #2 of 2**

**SUMMARY OF ALLEGATION #4:** The officer's conduct was inappropriate.

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

**FINDINGS OF FACT:** The officer denied the allegation. He explained numerous times to the complainant that his registration was expired. The officer told the complainant to listen to him and understand what he was telling him. When the complainant initially refused to sign the citation, the named officer explained the process of calling a supervisor to the scene, towing his vehicle and eventually being booked, as officers are required to do pursuant to Department Procedures. The witness officer was not in a position to hear the interaction between the named officer and the complainant. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT :** The officer denied the allegation. The officer was interviewed relative to the OCC biased policing protocol and there was no evidence to conclude that the traffic stop was for other than the vehicle code violation for which the complainant was cited. The named member stated that he was not aware of the complainant's race until he made contact with him at his vehicle. There is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer who took him to UCSF Hospital stole property from him. The officer was never identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer harassed him by repeatedly arresting him for many years. The officer was never identified. There was insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 11/15/10 **DATE OF COMPLETION:** 07/11/11 **PAGE #** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that he was the victim of attempted assault, as he believed the truck driver in front of the complainants vehicle was two inches from ramming into his truck. The complainant stated he was arrested instead of the “victim” who he claimed inflicted the injuries on himself. The officers stated the victim had visible injuries and there were corroborating witnesses. The witnesses did not respond to OCC requests for an interview. The incident report documents the assault, visible injuries, and contains written statements from witness and victim. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant stated while being transported the officers laughed at him. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.



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**DATE OF COMPLAINT:** 11/15/10 **DATE OF COMPLETION:** 07/11/11 **PAGE #** 2 of 2

**SUMMARY OF ALLEGATION #5:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated an officer at the station insulted him and used profanity. All officers suspected to have been involved in contact with the complainant denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 12/01/10    **DATE OF COMPLETION:** 07/28/11    **PAGE #** 1 of 2

**SUMMARY OF ALLEGATIONS #1-5:** The officers entered the complainants home without cause.

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

**FINDINGS OF FACT:** The complainant stated that officers came to her home and some officers entered on her cousin's room. The officers stated that they responded to a call of a dispute and threats being made. The officers stated an occupant of the house gave them permission to enter to contact her nephew, who was identified as the suspect. The officers were investigating a possible crime, and determined that this was a civil matter and no police action was required. One witness, owner of house, stated she lead the officers to her nephew's room. The other witness stated the officers did not enter his room they opened the door and told him not to move. The preponderance of the evidence proved that the acts, which served as a basis for the allegation did occur; however, such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #6-10:** The officers harassed the complainant.

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

**FINDINGS OF FACT:** The complainant stated that her family has on-going dispute regarding ownership of the house. She stated that recently her cousin had to obtain a restraining order against her sister and she felt that this incident was meant to harass her and her cousin. The officers denied the allegation and stated they conducted an investigation and determined that there was no police action required, as this was a civil matter. There was no evidence to indicate that the officers were harassing the complainant. Most of the complainant's anger was regarding the reportee representing himself as an officer and believed he was harassing and trying to intimidate her. The available evidence proved that the acts that served as the basis of this allegation did not occur.

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**SUMMARY OF ALLEGATIONS #11:** The officer exhibited inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated she took offense when the officer tried to give her advice regarding her mother and tenants living in her home. The officer denied the allegation. The witness stated he did not see any inappropriate behavior from officers and stated on the contrary the complainant was very angry and confrontational with the police and surprised she was not arrested. There is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 12/10/10    **DATE OF COMPLETION:** 07/29/11    **PAGE #1 of 2**

**SUMMARY OF ALLEGATIONS #1:** The officer failed to provide required information.

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

**FINDINGS OF FACT:** The complainant stated that the officer issued him a citation with inaccurate telephone numbers on the citation. The OCC called the telephone number on the citation and the recorded message referred the caller to the new telephone number for the court payment system. The evidence showed that the officer acted properly and lawfully pursuant to Department policy and procedures.

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

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

**FINDINGS OF FACT:** The complainant alleged that the officer did not properly process the citation because the complainant received information that the citation did not exist when he contacted the court system multiple times within 30 days of receiving the citation. The court recording notifies callers that officers have up to ninety days to get the citation to court. It also states that citations can take four to six weeks to be entered into the court system. Officers are required to place their citations in a locked box at the end of their daily shifts. The evidence showed that the officer acted properly and lawfully pursuant to Department procedures and policies.

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**DATE OF COMPLAINT:** 12/10/10    **DATE OF COMPLETION:** 07/29/11    **PAGE #2** of 2

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

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

**FINDINGS OF FACT:** A preponderance of the evidence proved that the conduct alleged did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper when the officer failed to collect the required traffic stop data pursuant to Department Bulletin 08-268.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** The officers stated they detained the complainant for impeding the flow of traffic, i.e., parking his car halfway into a lane of traffic. The complainant believed he was detained because he switched from the driver's seat to the passenger seat while waiting for his girlfriend. There were no independent witnesses and no additional evidence to further prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officer stated he cited the complainant for impeding the flow of traffic, i.e., parking his car halfway into a lane of traffic. The officer's partner stated the complainant was stopped and cited for committing a traffic violation in the presence of the officers.

The complainant stated the officer saw him switch from the driver's seat to the passenger seat and asked him if he did that because he didn't have a driver's license. When the complainant asked the officer for his badge number, the officer wrote him a "made up" citation." The complainant's girlfriend stated the officer accused the complainant of "switching seats." She stated when the complainant asked to see the officer's badge number, the officer responded by asking for the complainant's license and writing him a ticket. There were no other witnesses and no additional evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 02/04/11 **DATE OF COMPLETION:** 07/13/11 **PAGE #2 of 2**

**SUMMARY OF ALLEGATION #4:** The officer engaged in biased policing.

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

**FINDINGS OF FACT:** The complainant stated he believed he was racially profiled. The complainant's girlfriend stated she felt the real reason her boyfriend was cited was in response to his questioning the officer and asking for his badge number. The officer and his partner stated they did not know the race of the complainant prior to stopping him and denied that race was a factor in this traffic stop. There were no other 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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**DATE OF COMPLAINT:** 02/09/11 **DATE OF COMPLETION:** 07/11/11 **PAGE #1 of 2**

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to display their star numbers.

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

**FINDINGS OF FACT:** The named officers and a witness officer that who present denied the allegation. There was no independent witness and therefore insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The officers denied the allegation. A dependent witness who was present could neither verify nor deny the allegation. There was insufficient evidence to either prove or disprove the allegation.



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

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

**FINDINGS OF FACT:** The officers and their partner stated they observed the complainant had one of two double-parked vehicles on a street and a strong odor of marijuana was emanating from within so they conducted a probable cause search of the passenger compartment in their belief that they would find marijuana in it. There was no independent witness and therefore 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 engaged in inappropriate behavior or made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant alleged that, when she asked the named officer for his name and star number, he replied: "Don't even think about complaining because I'm doing you a favor." The officer denied making this statement and the witness officer did not hear the alleged statement. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant alleged that the named officer improperly cited her for driving without a license. The evidence established that the complainant's license had been suspended, even though she was not aware of this fact at the time of the incident. The named officer properly cited her for a violation of California Vehicle Code Section 12500(a) because the complainant was driving without a valid license. The evidence proved that the acts that provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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**SUMMARY OF OCC ADDED ALLEGATION #1-2:** The officers failed to comply with DGO 9.06

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

**FINDINGS OF FACT:** The named officers decided to cite the complainant under CVC Section 12500(a) (driving without a valid driver's license), which they characterized – according to the training they have received – as a lesser included offense of CVC Section 14601.1 (driving with a suspended license). DGO 9.06 makes tows mandatory for violations of the Section 14601 CVC series or Section 12500(a) CVC. This has been modified by Department Bulletin 09-293, which refers to violations of Vehicle Code Section 12500 and states that the citing officer shall initiate a tow only where the vehicle is a traffic hazard, there is a risk of theft or vandalism if the vehicle is left at the scene, or there is a likelihood of immediate and continued unlawful operation of the vehicle if the vehicle is not towed. Based on their training, it was reasonable for the officers to conclude that – since they were citing the complainant for a violation of CVC 12500(a) – they were not required to tow her vehicle. The evidence proved that the acts that provided the basis of the allegations occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF OCC ADDED ALLEGATIONS #3:** The officers failed to comply with DGO 1.03

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

**FINDINGS OF FACT:** Department General Order 1.03 requires that patrol officers remain in constant radio contact with the Communications Division. The named officers initially pulled the complainant aside after seeing her fail to stop at a stop sign, but then followed her home to her residence 9/10 of a mile away from the site of the initial stop. One of the named officers admitted that they did not notify dispatch of their change in location, and this is supported by the CAD audiotape. In addition, the CAD printout does not show the officers changing location. 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 OCC ADDED ALLEGATION #4:** The officer failed to comply with DGO 1.03

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

**FINDINGS OF FACT:** Department General Order 1.03 requires that patrol officers remain in constant radio contact with the Communications Division. The evidence proved that the named officer and his partner failed to remain in constant radio contact with the Communications Division. However, OCC's investigation established that the named officer's partner was the senior officer at the scene, responsible for notifying dispatch of their change of location. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF OCC ADDED ALLEGATIONS #5-6:** The officers wrote an inaccurate or incomplete citation/report.

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

**FINDINGS OF FACT:** According to DGO 2.01, "members shall make all required written reports of crimes or incidents requiring police attention." According to the SFPD Field Training Manual for Police Officers March 2010 Edition, reports shall be "accurate" and "complete." One of the named officers wrote the narrative for the report, whereas the other named signed it as the reporting officer. There were a number of inaccuracies in the report, stating that the complainant had no driver's license, and stating that the complainant was cited and released from the scene and allowed to legally park her vehicle at the scene, without mentioning the change in locations from the scene of the initial stop to the complainant's home 9/10 mile away. 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 #1:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The complainant alleged the officer failed to take required action. The incident report and CAD adequately documented the officer's contact with the complainant. The complainant's own account of what happened is consistent with what the officer wrote in his report. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 03/24/11 **DATE OF COMPLETION:** 07/01/11 **PAGE#** 1 of 2

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

**CATEGORY OF CONDUCT:** UF **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 June 20, 2011.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 20, 2011.

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**DATE OF COMPLAINT:** 03/24/11 **DATE OF COMPLETION:** 07/01/11 **PAGE #2** of 2

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 20, 2011.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 19, 2011.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 19, 2011.



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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 19, 2011.

**SUMMARY OF ALLEGATION #4:** The officer failed to provide medical treatment.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 19, 2011.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/13/11 **DATE OF COMPLETION:** 07/01/11 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 16, 2011.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 16, 2011.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/15/11    **DATE OF COMPLETION:** 07/22/11    **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 20, 2011.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 20, 2011.