

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/10 **DATE OF COMPLETION:** 06/24/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that his adult daughter and two companions were assaulted by a group of eight to ten men. The two officers who responded summoned an ambulance which transported the complainant's daughter to the hospital but did not prepare a written report documenting the assault. The complainant's daughter confirmed that she, her boyfriend and a friend were assaulted on the street and that the officers who responded and interviewed them about what happened did not prepare a report. The complainant's daughter stated that her boyfriend had blood on his face as a result of the assault and she had an injured hand for which the officers summoned an ambulance which transported her to the hospital for examination and treatment. The complainant's boyfriend stated that he and the complainant's daughter were assaulted by a group of men who punched and kicked them. He stated that he called the police emergency number and reported the assault, and that the officers who responded did not prepare a report. Department communications records document a call to 911 by the complainant's daughter's boyfriend reporting an assault that had just occurred by a group of men, one of whom was armed with a weapon. The named officers stated that although the complainant's daughter and her boyfriend reported a crime to them, they did not prepare an incident report because the complainant's daughter and her boyfriend both said they did not want to make a report and because the boyfriend would not provide his identification information to the officers. One of the officers acknowledged that the complainant's daughter gave him her identification but that he did not note her name or identification information and did not take any written notes when he interviewed her. The evidence established that the officers failed to prepare an incident report on a crime brought to their attention as required by Department regulations.

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DATE OF COMPLAINT: 02/24/10 **DATE OF COMPLETION:** 06/24/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers engaged in selective enforcement due to racial bias.

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

FINDINGS OF FACT: The complainant said the officers should have advised him regarding his double-parked car instead of citing him. The complainant asserted that his race was a factor in why the officer chose to cite him. The officers 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: 02/25/10 **DATE OF COMPLETION:** 06/24/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that the officer wrongfully ordered him to stop videotaping an interaction he was having with an employee inside a department store. The named officer stated that he was working an overtime assignment inside a department store when the manager summoned him. The manager told the complainant to stop videotaping. The named officer then told the complainant to stop videotaping on private property. California case law allowed the store manager to restrict filming inside the store, which is private property. The evidence established that the action complained of was proper.

SUMMARY OF ALLEGATION #2: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that he went to a department store to return an item. After a lengthy delay, store personnel told the complainant they could not find proof of purchase necessary for a return. The complainant then began filming the interaction with his phone and stated that he was going to post it on a website. The store manager and the named officer told the complainant to stop filming but the complainant ignored them. The named officer repeated the order and the complainant stopped filming. The complainant stated that unbeknownst to the manager and the named officer, he was merely pretending to film the incident but was not actually doing so. The complainant stated that he called police and reported that he wanted to file a complaint against the named officer, and that a sergeant responded to the scene and spoke to him. The named officer approached him outside the store and told him that if he filed a complaint about the incident, a criminal complaint would be filed against him. The named officer stated that he approached the complainant outside the department store and told him that he had a right to file a complaint, but that he had been annoying store personnel who asked him repeatedly to stop filming and that he was wrong for doing that. The named officer denied threatening the complainant. No witnesses to this interaction were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 02/23/10 **DATE OF COMPLETION:** 06/02/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officers' behavior was inappropriate.

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

FINDINGS OF FACT: The complainant has been found unfit for trial and incapable of helping his defense for trial. He has been remanded to a state mental hospital. Therefore, the complainant is unable to provide additional information needed to investigate this case.

SUMMARY OF ALLEGATION #2: The officer practiced biased policing due to race.

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

FINDINGS OF FACT: The complainant has been found unfit for trial and incapable of helping his defense for trial. He has been remanded to a state mental hospital. Therefore, the complainant is unable to provide additional information needed to investigate this case.

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

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

FINDINGS OF FACT: The complainant has been found unfit for trial and incapable of helping his defense for trial. He has been remanded to a state mental hospital. Therefore, the complainant is unable to provide additional information needed to investigate this case.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/01/10 **DATE OF COMPLETION:** 06/24/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer detained him without justification. The complainant stated that he was leaving the One Stop Career Center after having an argument with one of the Center's employee when the officer contacted and detained him. The officer stated that he detained the complainant so he could conduct an investigation regarding what had occurred inside the center, and if any violations had occurred. The officer also detained the complainant in order to evaluate whether the complainant met the criteria for a 5150 H&R, due to the complainant's actions and statements made during the entire detention. The evidence shows that a call was made from the center requesting for police assistance concerning a person making threats. The complainant matched the description given in the dispatched call. 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 #2-3: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officers behaved inappropriately during his detention. The officers denied the allegation. No witnesses came forward. The evidence is insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/03/10 **DATE OF COMPLETION:** 06/28/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer made an inappropriate comment. The complainant failed to identify the officer. The officer that made contact with the complainant denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/04/10 **DATE OF COMPLETION:** 06/03/10 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: 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 May 27, 2010.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 27, 2010.

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DATE OF COMPLAINT: 03/30/10 **DATE OF COMPLETION:** 06/24/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he went to his car inside the garage to obtain his proof of insurance and stated the officer followed him inside the garage and stood watching the complainant for approximately five minutes. The officer denied the allegation. The officer stated he stood at the garage threshold in order to get a view into the car's console from the rear of the garage for officer safety reasons. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he did not like how the officer used his PA system creating a nuisance in his neighborhood. The officer stated he is permitted to use the PA system in the course of his job. The officer stated that he used a calm voice once to identify himself and ask the complainant to open the door and denied yelling or making a nuisance. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was pulled over for revving up his engine which he acknowledged doing. The officer did not recall the reason for the traffic stop. A SFPD Academy instructor told the OCC that revving up an engine is an element of exhibition of speed or indication of problem with engine but alone it is not against the law, but could be a reason to be pulled over to investigate. The evidence shows that the traffic stop initiated by the officer was justified.

SUMMARY OF ALLEGATIONS #2: The officer used profanity during the incident.

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

FINDINGS OF FACT: The complainant stated the officer used profanity to criticize the manner in which he was driving. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #3: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated the officer threatened to do him harm if he caught him driving in the same manner again. The officer denied the allegation. There were no witnesses. 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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SUMMARY OF ALLEGATION #1-2: The officers shot a beanbag at a residential window.

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

FINDINGS OF FACT: The complainant stated the officer told her he responded to a loud noise complaint, contacted the occupants of the house, ended the contact, went into their patrol car, retrieved a beanbag and shot it at the window to scare the occupants. The complainant did not witness the alleged misconduct. Department Records show the officer was not assigned to patrol the area in which the alleged misconduct occurred. The complainant failed to provide additional evidence.

SUMMARY OF ALLEGATION #3: The officer acted inappropriately due to bias.

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

FINDINGS OF FACT: The complainant stated the officer told her he shot a beanbag at a residential window and made reference to the occupants being Mexican. The complainant stated she believed the officer shot the beanbag at the window because the occupants were Mexican. The complainant did not witness the alleged misconduct. Department Records show the officer was not assigned to patrol the area in which the alleged misconduct occurred. The complainant failed to provide additional evidence.

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DATE OF COMPLAINT: 04/07/10 **DATE OF COMPLETION:** 06/07/10 **PAGE #1 of 1**

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 officers detained her as she walked her dog in a park. A witness observed the officers drive their police car behind the complainant, get out of the car and speak to the complainant. The witness stated the complainant did not appear free to leave, but he did not hear the conversation between the officers and the complainant. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the officers threatened her. The officers denied the allegation. A witness did not hear the conversation between the complainant and the officers. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/08/10 **DATE OF COMPLETION:** 06/07/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer issued him a citation for three violations of the MPC. The complainant admitted that he did not cooperate with the officer as required by the MPC and that when the officer requested the complainant provide him with his waybill and badge, the complainant decided not to provide them to the officer even though he said the waybill and badge were with him in the cab. The officer stated the complainant was uncooperative, acting in an inappropriate manner and did not provide him with the requested waybill and badge as required by the MPC. A preponderance of the evidence showed that the act alleged occurred, however said act was proper and lawful.

SUMMARY OF ALLEGATION #2: The officer practiced biased policing due to ethnicity.

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

FINDINGS OF FACT: The complainant is a taxi driver who stated that the officer acted in a biased manner towards him due to his ethnicity. The complainant did not provide any evidence of comments or behavior by the officer that was related to bias against his ethnicity. A witness stated that the officer became involved in the matter because the witness stopped the officer and asked for his assistance. The witness stated it was because she requested assistance that the officer did his job by investigating the matter and speaking to both sides to determine what was going on. Two other witnesses stated that they did not hear or see any actions by the officer that could be interpreted as bias against the complainant due to his ethnicity. The officer denied the allegation. He said that while he was driving by the hotel, he was hailed by the taxi's passenger to intercede in the taxi fare dispute with the complainant. He investigated the matter and determined that the complainant was not in accordance with MPC rules and regulations. A preponderance of the evidence proved that the alleged conduct did not occur.

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

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

FINDINGS OF FACT: The officer denied the allegation. He stated that when the complainant initially refused to sign the citation, he explained to the complainant that if he did not sign the citation, a supervisor would be called and the complainant could be taken before a magistrate if he did not sign the citation, which was not an admission of guilt. No other witness heard the entire conversation between the complainant and the officer but each stated they did not hear the officer make any inappropriate or threatening comments. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer stated that he never touched the complainant at either the station or on scene where the citation was issued. A witness stated he observed the entire contact at the station and said the officer had no physical interaction with the complainant. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to provide his star/name when requested.

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

FINDINGS OF FACT: The officer denied the allegation. He said he provided the information to the complainant when requested. He further stated that when this incident occurred, he was wearing his uniform that has his full name and star number sewn onto the uniform and that his name and star number were on the citation issued to the complainant. During his OCC interview the officer said he was wearing the same uniform at the OCC interview that he wore on the day of the incident. The OCC verified that the uniform the officer was wearing did have his name and star number sewn onto the uniform he was wearing at the interview. However there is no way for the OCC to verify that the uniform worn at the interview was the same uniform worn on the day of this incident. There were no witnesses who heard the complainant ask the officer for his identifying information or who heard the officer respond to the request. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to investigate.

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

FINDINGS OF FACT: The complainant stated that the officer did not investigate this matter by listening to his side of the story and looking inside the cab door for information related to the airport fee he wanted to charge the passenger. The officer denied the allegation and stated that he spoke to both parties and facilitated the payment of the cab fare. He stated that he did look at the inside of the cab door but he already knew that the airport fee was legal but not in the manner that the driver was requesting. The officer stated that the extra fee the driver was requesting is built into the farebox system and activated by the driver when he leaves the airport, and not added as an extra amount to the final farebox charge as the complainant was trying to do. The OCC contacted the company the complainant worked for and they verified that the fee is built into the farebox and is activated by the driver when they leave the airport. There is no extra airport fee charged on top of the farebox final amount. Witnesses all stated that the officer spoke to both involved parties and heard their side of the story. A preponderance of the evidence proved that the officer acted properly and lawfully.

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DATE OF COMPLAINT: 04/13/10 **DATE OF COMPLETION:** 06/17/10 **PAGE #1** of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 2, 2010.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 2, 2010.

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

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 2, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-4: The officers used unnecessary force on the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to write an accurate and complete report.

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

FINDINGS OF FACT: The complainant stated the officer failed to account for a specific stolen item in the report and described her as having a diminished capacity. The officer and his partner could not recall whether the complainant mentioned the specific item as being stolen. The officer could not recall his questions that led to the complainant's limited recollection. The officer said that the complainant had a limited recollection regarding specific dates and other responses to his questions and that coupled with her mood swings during their contact led him to believe that she had some diminished capacity. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer took too long to interview her, and was abrupt when she asked him and his partner to leave. The officer and his partner denied the allegation and stated the named officer was very cordial, courteous, and professional in his demeanor with the complainant. There were no independent witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer drove his emergency vehicle improperly.

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

FINDINGS OF FACT: The complainant stated the officer passed her vehicle in a dangerous manner by driving over a double yellow line, nearly side swiping her vehicle and that the officer did not have the patrol vehicle lights or siren on to justify that type of driving. The officer denied the allegation and stated he had observed a motorist with a mechanical violation talking on a cellular telephone while operating his vehicle. Section 21055 of the California Vehicle Code provides an exemption to emergency vehicles in the pursuit of a violator of the law if the officer activates the siren when it is reasonably necessary and the red lamp to alert other motorists and pedestrians. The officer demonstrated he was in the pursuit of a violator of the law and articulated several reasons why he did not activate the red lamp in his vehicle when he passed the complainant. Department records show that the officer conducted a traffic stop immediately following his driving past the complainant. The evidence showed that the alleged act occurred, however, the act was proper and lawful under Department General Orders and state law.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. No witnesses were provided by the complainant. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer cited him without cause but, during his intake interview, the complainant acknowledged that he indeed committed a violation by stopping his vehicle in the lane of traffic. The named member stated that he cited the complainant for an observed traffic violation. The officer's partner supported this statement. The available 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 acted in an inappropriate manner and made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that the officer "threatened" to give him another ticket if the complainant continued protesting the citation. The named member denied the allegation. The officer's partner stated that he could not attest to the named member's demeanor because he stayed in the police car during this contact. There were no other identifiable witnesses to the incident. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she wanted to file a police report for a suspicious occurrence. The complainant approached two police officers in San Francisco to take her report. The complainant stated the named officer attempted to dissuade another officer from taking her report and he used racial slurs while speaking to her. The named officer denied the allegation. A witness officer did not hear the named officer use any racial slurs and he did take the report the complainant requested. Both officers stated their demeanor during this incident was professional. 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 #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer made inappropriate comments and/or behavior

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

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

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

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

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

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SUMMARY OF ALLEGATION #1: The officer made inappropriate comments and/or behavior.

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

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

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

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

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

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

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

FINDINGS OF FACT: The complainant withdrew the complaint. The withdrawal was digitally recorded.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/21/10 **DATE OF COMPLETION:** 06/14/10 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant filed a missing persons report regarding his adult daughter. His daughter was located and found by the named officer and his partner. The complainant stated that the named officer contacted him later in the day on the day his daughter was located and asked him for his hair and eye color for the report he was making. The complainant stated this made him feel like a suspect. The officer wrote a report stating the circumstances in which he and his partner found the missing person and contacted the complainant. The incident report listed the complainant as "Notified" and included all boxes completed for the complainant's information including date of birth, height, weight, hair and eye color. The Department's report writing manual, policy and training requires officers to complete an incident report as thoroughly as possible. The officer completed all boxes on the incident report as required. The incident report shows the complainant listed as "Notified" and not listed as a suspect. The evidence showed that the act alleged did occur, however said act was proper and appropriate under Department policy.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/10 **DATE OF COMPLETION:** 06/17/10 **PAGE #1 of 1**

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/10 **DATE OF COMPLETION:** 06/28/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant asked that the complaint be withdrawn.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant asked that the complaint be withdrawn.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/10 **DATE OF COMPLETION:** 06/24/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officers failed to take required action. The complainant stated she was crossing the street in her wheelchair and a van made an illegal turn. She flagged down a police car and told the officers to educate the driver of the van regarding pedestrian safety. The complainant stated the officers refused because they were studying their onboard computer and did not see the violation. The complainant did not provide sufficient information to establish the identity of the alleged officers. The evidence is insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/23/10 **DATE OF COMPLETION:** 06/30/10 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/10 **DATE OF COMPLETION:** 06/03/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer conducted an investigation without cause.

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

FINDINGS OF FACT: The complainant stated that he saw a suspicious man in and near his driveway and went outside with his dog, who barked at the man. The man walked away. Forty-five minutes later, the named officer came to the complainant's home and said that they were investigating a report that the complainant gave his dog a verbal command to attack the man outside his home. The named officer interviewed the complainant about this and said he would be preparing an incident report on the matter. Department records establish that the mother of the juvenile who the complainant saw outside his home called police and reported that the complainant commanded his dog to attack her son, and that she believed this was racially motivated. The incident report prepared by the named officer states that he interviewed the woman who called the police, her son and the complainant and that based on his investigation, determined that the complainant had not commanded his dog to attack anyone and that no crime had occurred. The evidence established that the officer's actions were proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/10 **DATE OF COMPLETION:** 06/03/10 **PAGE #1** of 1

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO1 **DEPT. ACTION:**

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

Psych Liaison
c/o SFPD Mission Station
630 Valencia Street
San Francisco, CA 94110

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/09 **DATE OF COMPLETION:** 06/03/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to take his statement and that of his sister. The investigation disclosed that the officer did take a written statement from the complainant and from his sister. A victim/reportee signed a Citizen's Arrest against the complainant's sister accusing her of assault, and the officer arrested the sister. The officer's conduct was lawful, justified and proper

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

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

FINDINGS OF FACT: The complainant alleged that the officer intimidated him and threatened to arrest him when the complainant made "comments to the other party." The complainant did not make himself available to provide information to support his allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/09 **DATE OF COMPLETION:** 06/03/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer engaged in racial profiling.

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

FINDINGS OF FACT: The complainant alleged that, by not taking his statement or that of his sister, the officer engaged in racial profiling. The complainant and his sister are African-American and the victim(s) of the alleged assault are not, according to the complainant. The investigation disclosed that the officer took written statements from all of the parties.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/18/09 **DATE OF COMPLETION:** 06/10/10 **PAGE #** 1 of 4

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

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

FINDINGS OF FACT: The complainants stated the officers searched their residence without cause. Two of the named officers were part of the tactical entry team and were presented with a valid search warrant to search the complaint's residence prior to their entry and search of the residence. These two officers performed a protective sweep to secure the residence for the investigative team. The other named officer admitted to searching the residence because he had a valid search warrant that gave him permission to search the residence and all areas of the 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 #4-5: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainants stated the officers entered their residence without cause. The named officers were part of the tactical entry team and were presented with a valid search warrant to search the complaint's residence prior to their entry of the residence. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/09 **DATE OF COMPLETION:** 06/10/10 **PAGE #** 2 of 4

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

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

FINDINGS OF FACT: Both complainants stated an officer used excessive force during the search of their residence. The complainants do not know which officer(s) used the force and were not able to describe the officers. During the OCC investigation, the officers that were interviewed denied using any excessive force on either complainant during this warrant service. There are no independent witnesses to this investigation. There was insufficient evidence to either prove, or disprove the allegation made in this complaint.

SUMMARY OF ALLEGATION #7: The officer detained the complainant for a prolonged period.

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

FINDINGS OF FACT: One of the complainants stated he was detained for several hours at a district station before he was questioned about a specific crime. The named officer did admit that the complainant was detained at the district station for quite some time, but this was to conduct his investigation of the crime that occurred by interviewing several witnesses before he questioned the complainant. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 06/18/09 **DATE OF COMPLETION:** 06/10/10 **PAGE #** 3 of 4

SUMMARY OF ALLEGATION #8-10: The officers detained the complainants without cause.

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

FINDINGS OF FACT: The complainants stated they were detained without justification. The named officers had a valid search warrant and were conducting an investigation regarding a robbery that had occurred. One of the complainants was identified as a possible suspect in the robbery and is a resident in the home of the other complainant. All persons in the residence were detained pending further investigation of the crime that had been committed. 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 #11: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainants stated an officer made inappropriate comments to them during this incident. The complainants were not able to identify which officer(s) made the inappropriate comments. During the OCC investigation, the officers that were interviewed denied making any inappropriate comments to the complainants during this investigation. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in this complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/18/09 **DATE OF COMPLETION:** 06/10/10 **PAGE #** 4 of 4

SUMMARY OF ALLEGATION #12: The officer used profanity.

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

FINDINGS OF FACT: The complainants stated an officer used profanity during this investigation. The complainants were not able to identify which officer(s) used the profanity. During the OCC investigation, the officers who were interviewed denied using any profanity during this incident. 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 #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 07/07/09 **DATE OF COMPLETION:** 06/10/10 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated that a confrontation he had with several students erupted into a “heated confrontation” involving fifty to sixty students. He stated the school resource officer asked him what was going on, but the complainant ignored him and walked away. Four to six officers responded to a 10-25 call (officer needs assistance) the initial school officer is small in stature and the complainant stands 6’2” and weighs in excess of 240 pounds. Responding officers subsequently tried to detain him; the complainant stated he pushed the officers away.

The complainant was involved in a verbal confrontation that ballooned into an incident involving fifty to seventy-five students in the schoolyard. One of the named officers stated that he wanted to talk to the complainant to find out what happened and avert a larger fight. The officers had reasonable suspicion to detain and question the complainant.

SUMMARY OF ALLEGATIONS #5-8: The officers used unnecessary force during the complainant’s detention.

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

FINDINGS OF FACT: In his OCC interview, the complainant initially stated that officers grabbed his arm or leg and hit him on the back of his legs to take him go to the ground. Once on the ground, an officer stepped on his hand. He then added that, while he was still standing up, an unknown officer standing next to him placed his forearm around the complainant’s neck. He then said a male African American officer punched him in the face before he went to the ground. When the complainant reviewed this scenario again, he did not say he was punched. The complainant stated, and photos confirmed, that he suffered a cut lip.

The co-complainant stated she saw two officers grab the complainant but he pulled away, saying he wanted to go home. One officer held one of his arms and the other officer held the complainant’s other arm. Then the officers pushed him to the ground. The co-complainant did not say an officer punched the complainant.

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SUMMARY OF ALLEGATIONS #5-8 Continued:

One officer stated that when he caught up with the complainant, the complainant verbally resisted the officer telling him, "Don't touch me, you can't touch me!" Three officers attempted to grab the complainant so they could handcuff him. One of the named officers tried to grab his legs so he couldn't move. Another of the named officers tried to hold onto the complainant's right arm but he was able to slip away. A third officer stated that he did not see anyone attempt a bar arm takedown. The named officers attempting to subdue the resistive complainant all went to the ground. The complainant continued to violently resist the officers that tried to handcuff him as they wrestled while on the ground. A witness officer stated that the complainant was taken to the ground, "it appeared to be a controlled fall".

The named officers were interviewed and stated that they, did not recall whether any physical control or force was used and denied that the complainant was punched.

The statements of the complainant and co-complainant were inconsistent. The co-complainant did not see anyone punch the complainant. In fact, the complainant changed his statement when asked to clarify his statements. Two witness officers saw the complainant fighting the officers. The officers' statements were inconsistent as to the manner in which the complainant was taken to the ground but none reported using unreasonable force to take the complainant to the ground and handcuff him. The co-complainant suffered a cut lip when he was on the ground, while resisting being handcuffed. There was no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #9-12: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The officers stated that the complainant refused their orders to stop resisting. The complainant stated he was angry and did not want the officers touching him. The officers stated the complainant continued to resist after he was taken to the ground. The officer handcuffed the complainant before placing him in the patrol car. The officers' conduct was proper.

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SUMMARY OF ALLEGATIONS #13: The officer used unnecessary force during the co-complainant's detention.

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

FINDINGS OF FACT: The named officer responded to a 10-25 (officer requiring assistance) as a large group of juveniles (50-60) posturing to fight each other. The co-complainant stated she ran up to the officers and demanded to know why they pushed the complainant to the ground. A tall officer pushed her away and she fell on some bark. The co-complainant along with others in the crowd advanced upon the officer that was escorting the complainant to the police car. The named officer stated that the co-complainant and another male continued to aggressively advance upon the officer that was walking with the complainant to the radio car. The named officer described how the co-complainant advanced on the detaining officer whose back was turned with fist balled up refusing orders to stop the advance. The named officer said that he punched the co-complainant once in zone 1 which halted the advancing complainant. The named member stated that he punched the co-complainant because he was unable to use his baton.

It is disputed how many times the co-complainant was struck, the co-complainant stated that she had been struck three times. The named officer denied striking the co-complainant more than once. Multiple witness officers and civilian witnesses did not see the named officer punch the co-complainant but one witness officer said he heard what sounded like flesh on flesh.

One witness officer described how the co-complainant charged the complainant. While trying to get to the complainant, she went past the named officer toward the complainant. The co-complainant walked toward the named officer, cursed at him and balled up both her fists.

A civilian witness who is an administrator at the site where the encounter happened stated that she was present at the scene and stated that she saw the co-complainant come "barreling" towards the officers who were detaining the complainant. The co-complainant stopped near some bushes and the witness did not see what happened next.

According to medical records provided by the co-complainant, she received medical attention several hours after this incident. The records state that the co-complainant's face was swollen on the left side and she had tenderness in her neck and left cheek area.

It must be noted that the co-complainant can be easily mistaken for a teenage boy. In fact, the officers believed the co-complainant was a boy at the time of this incident. There is a preponderance of evidence that the co-complainant was trying to free the co-complainant from police custody. The named officer stated he attempted to stop this threat by delivering one punch, a reasonable use of force. The co-complainant's contention that the officer punched her three times could not be confirmed. There were no additional witnesses or evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #14: The officer searched the co-complainant without justification.

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

FINDINGS OF FACT: The co-complainant stated a male officer searched her pockets and backpack and asked her if she had any weapons. The officer stated he searched the co-complainant for weapons for officer safety after she was taken into custody so he could place her in the patrol car. He did not know the co-complainant was a female at the time of the search. His conduct was proper.

SUMMARY OF ALLEGATION #15: The officer handcuffed the co-complainant without justification.

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

FINDINGS OF FACT: The officer properly handcuffed the co-complainant before placing her in a patrol car.

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DATE OF COMPLAINT: 07/07/09 **DATE OF COMPLETION:** 06/10/10 **PAGE#** 5 of 5

SUMMARY OF ALLEGATIONS #16: The officer cited the co-complainant without justification.

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

FINDINGS OF FACT: The officer cited the co-complainant for disrupting school activities. The investigation revealed that there was a preponderance of evidence that the co-complainant resisted arrest and disrupted school activities by refusing to obey lawful orders given by officers and fighting with officers at the scene. The officer's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/23/09 **DATE OF COMPLETION:** 06/18/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he did not resist the officers during his arrest following a traffic collision but admitted to OCC that he panicked, was stunned from the accident and in shock. The complainant stated that the officer must have thought he was trying to leave the scene when they told him to stop as he was walking away. He said he complied but the officer twisted his arm like a rubber band causing him to sustain a fractured middle finger on his left hand. All officers stated the complainant was in a solo automobile collision and that he ran from the scene, did not want to be handcuffed and resisted officers during the arrest. All officers stated no reportable use of force was applied to the complainant. The officers admitted that they grabbed the complainant's wrist and then handcuffed him. There were no independent witnesses to this incident. Medical records show the complainant sustained a fracture to his hand. The records do not indicate if the complainant sustained the fracture during his handcuffing or during the auto collision. There is insufficient evidence to either prove or disprove the allegation to determine whether the officers used excessive force or that the complainant sustained the injury during the traffic collision.

SUMMARY OF OCC ADDED ALLEGATIONS #1-6: The officers failed to record the complainant's complaint of pain.

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

FINDINGS OF FACT: The complainant stated he did not realize his arm was injured until he was seen at the hospital. The complainant did not complain of pain or injury to the officers on scene. The officers at the station heard the complainant complain of pain from the vehicle collision and paramedics were summoned to the station to treat this automobile injury. The complainant was subsequently cited and released to the care of the paramedics. The officers stated only reasonable force was used on the complainant to prevent him from fleeing the scene. Officers at the scene of the collision and arrest area did not hear the complainant complain of any injuries, complain of pain, or request medical attention. A use of force log was not completed because there was no reportable use of force by any of the officers on scene. There were no witnesses to the incident. The police report documented the complainant's complaint of pain and the paramedic's arrival. There is insufficient evidence to either prove or disprove the allegation that the officers neglected their duty when they failed to record a complaint of pain.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 07/10/09 **DATE OF COMPLETION:** 06/03/10 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1-2: The officers entered a residence without justification or cause.

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

FINDINGS OF FACT: The officer observed two male individuals standing along the building line in a housing complex. One of the individuals made an exaggerated movement and grabbed, what the officer believed to be, the grip of a handgun in his waistband located under his oversized shirt. The officer informed his two partner officers of his observation and exited the unmarked police car. The two suspects fled up a flight of stairs to the second level, ran into an apartment and closed the door. During the pursuit, the leading officer gave verbal commands for the two suspects to stop as he identified himself as a police officer. The officer pursued the suspects to the apartment door. The other two officers exited the unmarked car moments later and pursued the suspects toward the apartment. The first officer knocked on the door and announced his presence as the police. The complainant opened the door to the leading officer. The initial officer observed the two suspects standing in the kitchen and the officer entered the residence in “hot pursuit” to take custody of the suspect with the weapon. The trailing officers arrived momentarily and one of the officers entered the residence to assist the lead officer with the arrest of the suspect. The officers located a firearm in the area that the arrest took place and booked the firearm into evidence. 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 arrested the complainant's son without cause.

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

FINDINGS OF FACT: The named lead officer placed one of the subjects under arrest for possession of a weapon without incident. The complainant’s son grabbed the officer’s shirt and chest in an effort to pull the arrestee away from his custody. The officer was able to secure the arrestee and turned him over to the custody of an assisting officer. The named officers approached the complainant’s son and attempted to arrest him for the assault. The complainant’s son backed up into the kitchen away from the officers and would not comply with their commands. He yelled, struggled and swung his fist at the officer striking a hole in the wall instead. The named officers were eventually able to restrain the complainant’s son and place him in handcuffs. Two SFPD photos depicted reddened abrasions and scratches on the named officer’s left chest area where the complainant’s son grabbed and assaulted the officer. The assisting officer and the complainant corroborated her son resisted the officer’s during the arrest.

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

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

FINDINGS OF FACT: The officer cleared the residence by a protective sweep to make sure no one else was in the residence that could be considered a threat. The officer searched the kitchen area where the suspects were initially seen upon visual contact and where the complainant's son backed up to while struggling with arresting officers. The officer located a loaded handgun in the kitchen cabinet within arms' reach of both suspects during his contact and arrest of one of the suspects. 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 #6-7: The officers used force during the arrest of the complainant's son.

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

FINDINGS OF FACT: Both officers denied using force on the complainant's son. The complainant's son grabbed the officer's shirt and chest in an effort to pull the arrestee away from his custody. The officers affirmed they struggled with the complainant's son while attempting to grab his arms for handcuffing. The named officers said the complainant's son yelled, resisted and knocked a hole in the wall of the kitchen while attempting to strike one of them. The witness officer said the arresting officers only used force necessary to secure the complainant's son for handcuffing. The officers stated they did not knock down, push or cause the complainant to fall during the arrest of her son. The named officers said the complainant's son backed himself into a kitchen cabinet and the complainant got into the middle of them and her son. The officer said the complainant either sat down or got down on the floor in between them. The officer pleaded several times with the complainant's son to allow his mother to get out from the middle of them. The witness officer said it appeared the complainant's son was using the complainant to distance the police from him. The assisting officer and the complainant corroborated her son resisted the officer's during the arrest. The complainant stated she has a history of medical issues with her knee prior to this incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 07/10/09 **DATE OF COMPLETION:** 06/03/10 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #8-9: The officers failed to provide medical assistance.

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

FINDINGS OF FACT: The officers said the complainant did not complain of pain or injury, nor did she request medical assistance while at the scene. The witness officer corroborated he heard the named officer ask the complainant if she was injured and she replied that she was not injured. The witness officer said the complainant did not request medical services. Two hours after the incident, the complainant had her daughter call 911 for an ambulance stating she was injured during the previous incident. The named supervisor returned to the scene along with two uninvolved supervisors to investigate the complainant's claim of an injury from the incident. The complainant's daughter spoke to the officers and refused to allow the officers to speak with the complainant. The SFFD patient care report corroborated paramedics assessed the complainant for pain to her lower back and bilateral knee pain. The complainant refused transport to the local hospital indicating she would see her own personal physician. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #10: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The officer said he made no comments or references to calling coins in a box as drug money. The officer further denied referring to the complainant and her family in a racially derogatory manner by stating he would get "you guys" out of the projects. The two witness officers corroborated they did not hear the named officer make any of the alleged racially derogatory comments. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #11-12: The officers made inappropriate and threatening comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The officer denied telling the complainant to shut up or that she was “going to go.” The other officer did not tell the complainant he was going to make things very difficult for her if she took the issue any further. The witness officer stated he did not hear the named officers make any of the alleged comments to the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/09 **DATE OF COMPLETION:** 06/29/10 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant admitted he heard gunshots while in an area visiting his girlfriend. The complainant was aware he was in violation of a stay away order and had a warrantless search condition. He went through a back gate and recognized an officer from a prior contact in plainclothes. The complainant ran from officers approximately 3-4 blocks and hid under a car. Once the officers located the complainant, he backed out from under the car and placed his hands behind his back. The complainant alleged the officers used unnecessary force during the arrest.

Officers responded to a “shots fired” call and searched the area. The officers located the complainant in the area where the shots emanated from. The named officer observed the complainant as he fled from the officers in a foot pursuit. The officers located the complainant under a small compact vehicle. The complainant failed to comply with numerous commands to come out from under the car and to show his hands. Several officers pulled the complainant out from under the car by his feet and attempted to pull the complainant’s hands out from under his body. Due to the call involving a weapon, the named officer used distracting blows to the complainant to force his hands free. After an intense struggle the complainant relinquished his hands for handcuffing. There were no additional witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer said the complainant did not complain of pain or an injury. The complainant was checked out at the station by attending paramedics. who were at the station on another call. Two witness officers stated they requested and observed the paramedics medically assess the complainant. The SFFD records indicate the paramedics were at the station. The station witness officer stated he documented that the complainant was checked by paramedics at the station on the medical screening form. Upon arrival at the County Jail the complainant was checked by the triage jail nurse and referred to the emergency department at the hospital. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/09 **DATE OF COMPLETION:** 06/29/10 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #3-4: The officer strip-searched the complainant.

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

FINDINGS OF FACT: The complainant is a known narcotics dealer and attempted to evade police. The arresting officer said the complainant was strip searched for contraband and weapons. The assisting officer completed the strip search authorization form and conducted the search on the complainant. The arresting officer approved the strip search. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #5: The officer was discourteous by using profanity.

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

FINDINGS OF FACT: The officer denied making the alleged discourteous statements to the complainant. All four witness officers did not hear the named officer make the alleged discourteous comments. There were no additional witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/09 **DATE OF COMPLETION:** 06/14/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated officers stopped, searched, and detained him because he matched the description of a suspect. The officers stated they had a photo of a suspect and the complainant was detained because he matched the description of the suspect in the photo. A witness stated he saw the complainant being detained and asked the complainant what happened. The witness stated the complainant told him the officers stopped him because he matched the description of a suspect. The officers and the Department were unable to produce the photo used in the complainant's detention. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was detained because of a previous arrest. The complainant's mother stated the officer harassed her son because of his earlier arrest. The officer stated he did not recognize the complainant until the complainant brought up his past arrest. The officer's partner stated he had no prior contact with the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/09 **DATE OF COMPLETION:** 06/14/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the officer unjustly searched him. However, the complainant stated he consented to the search. The officer stated the complainant gave him permission to search him. The officer's partner stated he believed the complainant gave his partner permission to search him. A witness stated he saw an officer search the complainant but he did not hear what was said. The circumstances that led to the complainant's detention remain questionable or unsolved. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers did not comply with DGO 7.01

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

FINDINGS OF FACT: The OCC investigation established that there was no violation of DGO 7.01. The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/09 **DATE OF COMPLETION:** 06/29/10 **PAGE #1 of 2**

SUMMARY OF ALLEGATION #1: The officers 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 May 28, 2010.

SUMMARY OF ALLEGATION #2: The officers 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 May 28, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/09 **DATE OF COMPLETION:** 06/29/10 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: The officers failed to properly investigate.

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

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

SUMMARY OF ALLEGATION #4: The officers used unnecessary force during the arrest.

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 May 28, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/09 **DATE OF COMPLETION:** 06/30/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately towards a non-English speaking member of the public.

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

FINDINGS OF FACT: The complainant stated she requested a Spanish-speaking officer at the scene and the officer told her, "Well today you are going to speak English." The complainant stated that anytime she and her son spoke Spanish, the officer told them to speak in English. The officer denied the allegation. A witness corroborated the complainant's statement. The investigation determined the officer engaged in misconduct, which is a violation of DGO 2.01 Rule 9.

SUMMARY OF ALLEGATION 2: The officer threatened and exhibited inappropriate behavior

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

FINDINGS OF FACT: The complainant stated her son told her he was threatened with arrest and that the same officer used profanity in reference to her. The officer denied the allegation. There were no witnesses to the interaction between the officer and the complainant's son. The other officers did not witness this interaction. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/09 **DATE OF COMPLETION:** 06/30/10 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION # 3:The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant requested a Spanish-speaking officer but was not provided with one until later. The complainant stated a Spanish speaking officer spoke with her at the scene towards the end of the incident. The officer denied the allegation. The officer stated she had no problem communicating with anyone at the scene and did not know that anyone needed a Spanish-speaking officer and therefore she did not identify any LEP individuals and include any information in the incident report. The witnesses corroborated the complainant's statement. The witness officer corroborated that he responded to the scene to provide translation. The investigation that the officer conducted did not comply with the requirements of DGO 5.20.

SUMMARY OF OCC ADDED ALLEGATION #4: The sergeant failed to supervise.

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

FINDINGS OF FACT: The sergeant signed off on the investigating officer's incident report, which did not comply with DGO 5.20 requirements. The sergeant denied the allegation. The sergeant stated he requested a Spanish speaking officer to the scene just in case translation was need but stated that to his knowledge the officers translation services were not needed for the incident. The sergeant was in violation of DGO 1.04 when he signed off on the incident report instead of returning the report to the investigating officer for correction and compliance with DGO 5.20.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/05/09 **DATE OF COMPLETION:** 06/28/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged a female acquaintance of the complainant's son falsely accused the son of choking her. The female complained to security personnel, who in turn contacted the police. The officers responded and saw that the female had fresh red marks around her neck. Officers arrested the complainant's son (suspect) based on statements from the female acquaintance, statements from a member of security personnel and physical marks on the female. The officers presented their findings to a supervising officer who approved the arrest of the complainants son. The evidence provided during the investigation show that the actions were justified, lawful and proper.

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

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

FINDINGS OF FACT: Officers responded to the scene of an alleged physical assault. Officers interviewed the victim, the alleged assailant and a member of the security detail to whom the victim had reported the assault. Officers then arrested the suspect. The officers properly documented the arrest, assisted the victim in obtaining an EPO against her assailant. The officer's initial investigation was forwarded to the Domestic Violence Investigators Bureau as required. The officers actions were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/09 **DATE OF COMPLETION:** 06/09/10 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officer failed to take a required action and write an incident report.

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

FINDINGS OF FACT: The complainant alleged that he was assaulted and injured by two men. He said the officer did not prepare an incident report and told him this was a civil matter. The officer stated that he did not write an incident report because he believed the incident to be a civil matter, there were no serious injuries and no one requested any further police action. Pursuant to Department General Orders 1.03, 2.01 and the SFPD Incident Report Writing Manual, a crime was brought to the attention of the officer and the officer was required to make a report regardless of whether any person requested further police action. The crime of either assault or battery occurred and the officer was required to make an incident report particularly when the complainant sustained an injury requiring on scene medical treatment and transportation to a hospital for further medical care as a result of what occurred. A preponderance of the evidence showed that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper when the officer failed to take a required action when he did not write an incident report.

SUMMARY OF ALLEGATION #2: The officer dissuaded the complainant from filing a report.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/09 **DATE OF COMPLETION:** 06/09/10 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer made inappropriate comments.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/09 **DATE OF COMPLETION:** 06/30/10 **PAGE #1** of 3

SUMMARY OF ALLEGATION #1: The officer detained the complainant for a prolonged period of time without justification.

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

FINDINGS OF FACT: The preponderance of the evidence established that the complainant was not detained for an hour, but twenty-one minutes due to a loud music violation. During the initial part of the detention the officer reviewed the complainant's driver license, vehicle registration, and criminal history. The officer lawfully requested the complainant to step out of the vehicle to conduct a cursory pat search of his person at which time the complainant failed to obey the traffic officer and delayed a prompt citation and release process.

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

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

FINDINGS OF FACT: The complainant said the officer ordered him out of his vehicle and searched inside his front and back pants pockets immediately after he stepped out. Two witnesses gave conflicting statements about the timing when the officer searched inside the complainant's pants pockets rather than a mere pat down search. Another witness could not verify or deny the allegation. The officer stated that a query of the complainant revealed a danger potential for assault with a firearm so he conducted a cursory pat down search of the complainant's outer pockets for his safety. The officer also stated that if he searched inside the complainant's pockets it was because he felt something that seemed like a weapon. However, the officer did not find any weapon. The preponderance of the evidence established that the officer searched the complainant without sufficient probable cause.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/09 **DATE OF COMPLETION:** 06/30/10 **PAGE #2** of 3

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

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

FINDINGS OF FACT: The complainant said he was not on probation or parole during this traffic stop in which he was ordered out of his vehicle, and to sit down on the curb before the officer conducted a non-consensual search within the passenger compartment of his vehicle. Three witnesses gave conflicting statements regarding how far the complainant was located and how he was controlled during the vehicle interior search. The officer stated the complainant had a danger potential for assault with a firearm and resisting. The officer requested the complainant to step out of the vehicle to conduct a cursory search of his person, but after searching inside his pockets with negative results and while the complainant remained unhandcuffed, the officer said he conducted a limited search of the interior of the vehicle for weapons as an extension of the pat down search given recent shootings in the neighborhood and the complainant's danger potential. Under a totality of the circumstances standard, the named officer searched the interior of the vehicle without sufficient probable cause in violation of the complainant's Fourth amendment.

SUMMARY OF ALLEGATION #2: 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 told him to sit down or they would put him down. The officer stated he told the complainant to sit down or that he would sit him down. Three witnesses gave conflicting statements over the events and statements made by both parties. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/09 **DATE OF COMPLETION:** 06/30/10 **PAGE #3** of 3

SUMMARY OF ALLEGATION #5: The officer failed to properly supervise.

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

FINDINGS OF FACT: The complainant said a superior on scene gave approval and condoned the search of his person and vehicle. The officer who made the traffic stop recalled giving the named supervisory member a brief explanation of why he stopped and pat searched the complainant, but did not provide a thorough explanation of the reason for his vehicle search. The supervisory named member confirmed being apprised of the reasons for the traffic stop and the pat down search, but did not recall seeing or being informed about a vehicle search. None of the three witnesses was able to verify the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer issued him a citation that was not warranted. The officer and his partner stated the complainant was playing his music from his car in a loud manner that violated the California Vehicle code and the named officer cited him accordingly. There were no witnesses to the alleged violation of playing loud music. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/15/09 **DATE OF COMPLETION:** 06/17/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she returned home and found her apartment upside down. She stated she thought her apartment had been burglarized until she found a copy of a search warrant. She stated she did not know the person named in the search warrant. The named officer and other officers executed a valid search warrant signed by a magistrate of the court. The magistrate reviewed the search warrant and affidavit in support and determined there was probable cause for the officers to search the complainant's residence. The evidence proved that the act, which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer failed to provide his badge upon request.

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

FINDINGS OF FACT: The complainant stated when she asked the officer for his badge number he hung up on her. The officer stated he did not recall talking to the complainant but if she had asked him for his badge number he would have given it to her. Department orders state in part, when requested, members shall promptly and politely provide their name, star number, and assignment. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complainant.

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DATE OF COMPLAINT: 08/18/09 **DATE OF COMPLETION:** 06/17/10 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer told her he could arrest her for using profanity toward him and threatened to return to her apartment if she did not stop complaining. The complainant stated the officer told her he would confiscate and arrest her for having stolen property in her home, which she denied. The officer stated he did not threaten the complainant. Department orders state in part, misconduct or any conduct by an officer that reflects discredit upon the Department shall be considered unofficer-like conduct subject to disciplinary action. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer failed to follow guidelines and procedures for the development of the search warrant. The officer stated he followed all procedure and guideline for the development and writing of the search warrant and affidavit. He stated he received on the information from a confidential informant and followed up the lead by conducting surveillance. The officer swore under oath that the facts expressed by him in the search warrant and statement of probable cause were true. In addition the magistrate reviewed and signed the search warrant commanding the search of the complainant's residence. The evidence proved that the act, which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/10 **DATE OF COMPLETION:** 06/28/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the officer made inappropriate comments to her family members regarding her brother's death. The officer denied the allegation. Witnesses interviewed by the OCC either failed to corroborate the complainant's allegation against the officer or that the statements were inconclusive. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the incident report reflects that the named officer performed CPR on her brother. The complainant alleged that the officer did not perform CPR on her brother and that the officer misrepresented the truth in the 1996 police report. The named officer, who did not write the incident report, could not recall the incident in question. The officer who wrote the report stated that the report accurately reflects her account of what happened. The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/09 **DATE OF COMPLETION:** 06/17/10 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer stopped the complainant's fiancé without justification.

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

FINDINGS OF FACT: The complaint stated that the officers had no legitimate reason to stop the complainant's fiancé, who was driving her car at the time of this incident. The named member stated that he stopped the vehicle because it was missing a front license plate and had tinted windows in violation of the California Vehicle Code. The complainant's fiancé did not respond to numerous Office of Citizen Complaints requests for an interview. In her OCC interview, the complainant acknowledged that her vehicle had no front license plate and had tinted windows. The evidence proved that the acts, which provided the basis for the allegation, occurred, however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officers had not legitimate reason to detain her. The named members stated that the complainant was interfering with the investigation and did not comply with their orders. In her OCC interview, the complainant acknowledged that she did not go to the sidewalk as the officers were ordering her. A witness to this incident corroborated this aspect of the incident. The complainant's fiancé, who was also present at the scene, did not respond to the OCC's requests for an interview. The evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/09 **DATE OF COMPLETION:** 06/17/10 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #5: The officer towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complaint stated that the officers towed her car instead of releasing it to her. The named member stated that he towed the complainant's vehicle in accordance with the Department policy because it was driven at the time by an unlicensed motorist, the complainant's fiancé. The complainant's fiancé did not respond to the OCC's requests for an interview. The Department records showed that, at the time of this incident, his license was indeed suspended. The Department policy on vehicle tows requires a mandatory tow of the vehicles driven by unlicensed motorists. The evidence proved that the acts, which provided the basis for the allegation occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #6-8: The officers used excessive force against the complainant.

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

FINDINGS OF FACT: The complainant stated that the officers were "extremely forceful" during the handcuffing, which resulted in several bruises on the complainant's arms. The named members denied using excessive force during the complainant's handcuffing. A statement from a witness to the occurrence was inconclusive as to the level of force applied by the officers during the incident. The complainant's fiancé, who was also present during the occurrence, did not respond to the OCC's requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/09 **DATE OF COMPLETION:** 06/17/10 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complaint stated that, during her custodial detention, the officer did not allow her to take medication out of her purse and removed it himself unnecessarily making the complainant's detention longer than necessary. The named member stated that he did not allow the complainant to take medication out of her purse herself due to officer's safety concerns. According to the named member, he gave the complainant her medication not later than ten minutes after she requested them and the delay was caused by the complainant who did not want the officer to go into her purse. The available evidence was insufficient to determine whether, given the circumstances of this incident, the time the complainant had to wait for her medication was unnecessarily and/or unjustifiably prolonged and to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #10-11: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officers made several inappropriate comments during her custodial detention at the station. The named members denied making the alleged comments. There were no other identifiable witnesses to the relevant aspects of the incident. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/07/09 **DATE OF COMPLETION:** 07/09/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said she stopped for a stop sign. The officer said he approached the intersection about the same time as the complainant, who did not stop for the stop sign. No independent witnesses were developed. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer had no valid reason to stop her. The officer said he detained the complainant after he saw her fail to stop the vehicle she was driving for a stop sign. No independent witnesses were developed. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/07/09 **DATE OF COMPLETION:** 07/09/10 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant said she exited her vehicle after reaching her location. The officer said he told the complainant to get back inside her vehicle, but the complainant did not comply with this order. The complainant said she was bewildered by the officer's actions and thought the officer was talking to someone else. The officer said the complainant ignored his repeated commands to get back inside her vehicle, and the complainant resisted his efforts at controlling her. Consequently, he had to use physical control to detain and arrest the complainant. No independent witnesses were developed. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer stopped and cited her on the basis of the complainant's race. The officer said he detained the complainant after he saw her fail to stop the vehicle she was driving for a stop sign. The officer said he focused his attention on the traffic violation he saw the complainant commit as opposed to focusing on her race. No independent witnesses were developed. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/07/09 **DATE OF COMPLETION:** 07/09/10 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The officer issued the complainant a traffic citation for failure to stop for a stop sign. Department policy mandated the officer to enter the applicable information obtained from this traffic stop into the appropriate computer database. However, the officer failed to do this. The officer said he usually enters the pertinent information gleaned from traffic stops as required, and thought he did so on this occasion. He stated however that this particular stop deteriorated to a life-threatening experience for him, and he could have forgotten to enter the information. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-5: The officers detained the complainant.

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

FINDINGS OF FACT: The complainant alleged she was detained by officers twice in the same day. The officers involved in the first encounter stated they detained the complainant for a suspected narcotics violation. The officers in the second encounter stated they responded to a 9-1-1 call. The complainant matched the description given of the subject. Department General Order 5.03 permits officers to detain a person for questioning if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officers used unnecessary force. All of the officers who had contact with the complainant were interviewed. The officers denied the allegation as articulated by the complainant. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officers made inappropriate comments and/or displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officers used a lot of “slander” and “perjured” her name. She further stated the officers called her names. All of the involved officers were interviewed. The officers denied the allegations as articulated by the complainant. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8-9: The officers searched the complainant.

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

FINDINGS OF FACT: The complainant alleged she was searched by officers. All of the officers who had contact with the complainant were interviewed. The named member stated she performed a cursory search for weapons, subsequent to the detention and arrest of the complainant. Pursuant to the SFPD Booking and Detention Manual, the search was within Department policy. 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 #10: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant alleged the officers failed to properly process her personal property. All of the involved officers were interviewed. The officers denied the allegations as articulated by the complainant. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #11-15: The officers arrested the complainant.

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

FINDINGS OF FACT: The complainant stated she was arrested twice in the same day. The named members involved in the first encounter detained the complainant pending investigation of a narcotics violation. The officers observed the complainant display signs of being under the influence. The complainant was transported to the hospital and issued a Certificate of Release. The named members involved in the second encounter were dispatched upon receiving several 9-1-1 calls of a dispute involving a MUNI bus driver and a passenger. The complainant matched the description of the subject. The complainant was placed under Citizen's Arrest for fare evasion and battery. A witness stated the complainant called him names and spat on him. Pursuant to Department General Orders 5.04 and 5.06, the officers' actions were within Department policy. 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 #16: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officers did not give her any paperwork. All of the involved officers were interviewed. The officers denied the allegation as articulated by the complainant. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to properly investigate the incident.

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

FINDINGS OF FACT: The complainant stated that the officers did not properly investigate the incident, in which a dog bit his underage son, and they failed to impound the animal and to show the complainant its vaccination record. The named members stated that they handled the incident according to the Department policy concerning dog bites and found no reasons to impound the dog. A witness officer and the dog owner involved in this incident, in essence, corroborated these statements. The Department records showed that the officers made the required notification to ACC and took pictures of the complainant's son's arm, capturing a laceration, which appeared inconsistent with a dog's bite. Another witness, the dog owner's friend, who was present during the incident, elected not to provide a statement to the OCC due to personal reasons. The available evidence proved that the acts, which provided the basis for the allegation, occurred; however, the officers actions were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers acted in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officers made inappropriate comments and acted in an inappropriate manner during their investigation of the dog bite incident. The named members denied acting in the said manner and making the alleged comments. The statements from a witness officer and from the dog's owner were inconclusive and insufficient to determine whether the alleged misconduct indeed took place. Another witness, the dog owner's friend, who was present during the incident, elected not to provide a statement to the OCC due to personal reasons. There were no other witnesses. The available evidence was insufficient to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5: The officer issued invalid order.

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

FINDINGS OF FACT: The complainant stated that the named member unjustifiably and, over the complainant's objections, ordered a paramedic to remove the band-aid from the complainant's son's arm in order to photograph the alleged dog bite. The named member stated that he took the pictures of the alleged wound, as required by the relevant Department Policy, but he did not recall the specific circumstances, under which the photographs were taken. The complainant failed to sign a release for his son's medical records, which precluded the OCC from identifying and interviewing the ambulance team involved in this incident. Statements from a witness officer and from the dog's owner involved in the incident were inconclusive regarding this aspect of the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 09/22/09 **DATE OF COMPLETION:** 06/14/10 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was inside a restaurant with a friend. The friend left the restaurant and returned a short time later. The friend walked out of the restaurant again, and soon afterwards, the complainant saw her being detained by police officers. When the complainant exited the restaurant to smoke a cigarette, an officer detained and handcuffed her but did not explain the reason for the detention. This officer released the complainant several minutes later. Department records indicate that a robbery took place near the restaurant and that the victim described three female suspects and reported that at least one of the female suspects entered the restaurant the complainant was in. The complainant's friend was identified by the victim as one of the suspects and was arrested, along with another woman. The description of one of the suspects broadcast by Communications matched that of the complainant in several respects. The named officer stated that he detained the complainant because she matched the general description of one of the suspects and had just exited the restaurant the suspect was reported to have entered. The named officer stated that he handcuffed the complainant because she was a possible suspect in a violent crime. The named officer stated that he released the complainant several minutes later after another officer informed him that she was not one of the suspects. Witness officers stated that they did not recall seeing the complainant detained or handcuffed. Department records indicate that after a cold-show was conducted, the victim identified two women who had been detained, and that these women were arrested and transported to the police station. The robbery victim stated that she recalled seeing only two women detained at the scene. Communications records establish that the primary unit at the scene asked the named officer and his partner to stop a woman in front of the restaurant that the complainant was detained in front of. The evidence established that the complainant matched a suspect description in several respects and that she exited the restaurant that at least one of the suspects was seen entering. The evidence also established that the complainant was detained and handcuffed for a very short time and was released after it was established that she was not one of the suspects. Given the totality of the circumstances, the complainant's detention and handcuffing was lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer used unnecessary force by squeezing her arm tightly as he was removing her handcuffs. The named officer denied the allegation. The named officer's partner and other witness officers stated that they did not recall seeing the complainant detained and handcuffed. No other witnesses to this part of the incident were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer admitted handcuffing the complainant but failing to issue her a Certificate of Release as required by Department regulations.

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DATE OF COMPLAINT: 09/25/09 **DATE OF COMPLETION:** 06/16/10 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant admitted to committing the violation for which he was cited. The actions of the officer were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: Department General Order 9.06 requires officers to tow any vehicle being driven by a person who has had his driver license suspended or revoked. The Traffic Violation Citation 14601 CVC Report documents that the complainant's driver's license was suspended effective September 26, 2007. The action of the officer was justified, lawful and proper.

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

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

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

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

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

FINDINGS OF FACT: The officer admitted that the E585 Traffic Stop Data should have been completed. The Communication Dispatch printout lacks any evidence of the data having been entered. The officer thought he may have prepared the form back at the station but upon investigation he notified the OCC that he was unable to locate the completed form. A non-routine request to SFPD Legal Division was unable to locate the E585 documentation. A preponderance of the evidence proves that the officer failed to complete the required documentation.

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DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 06/28/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant voluntarily walked to the police station with the intention of talking to the supervisor of officers who informed the complainant he had to allow his roommate entry inside his apartment. The complainant attempted to obtain clarification as to why he had to allow his roommate inside the apartment in order to retrieve the roommate's belongings. The officers stated the complainant was intoxicated, loud, argumentative, confrontational and unreasonable. The complainant became combative and officers had to force him to the ground. Officers then arrested the complainant. The complainant denied drinking any alcoholic beverages and stated there was no justifiable reason for the officers to arrest him. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-6: The officers used unnecessary force during the incident.

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

FINDINGS OF FACT: The complainant said he attempted to obtain clarification from a supervisory officer as to why other officers told him he had to allow his roommate inside his apartment in order for the roommate to retrieve his (roommate's) belongings. During this encounter, the officers stated the complainant was intoxicated, loud, argumentative, confrontational and unreasonable. The complainant became combative and officers had to force him to the ground. The officers then arrested the complainant. The complainant denied drinking any alcoholic beverages and stated there was no justifiable reason for officers to beat him and use unnecessary force. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7-8: The officer applied tight handcuffs on the complainant.

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

FINDINGS OF FACT: After he was arrested for events surrounding a domestic dispute, the arrested subject (complainant) alleged the officer applied the handcuffs too tight. As a result, the complainant alleged the officers injured his wrists. Other officers, who were present during this incident, said handcuffs are usually applied according to Department Policy. Another officer said he verified the handcuffs were applied with the proper degree of tightness and denied manipulating the handcuffs in such a way as to injure the complainant. The officer said he provided advice to the complainant on how to avoid injury and discomfort. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The co-complainants both stated that they viewed an Internet video recording of a contact between an individual and the officer. Both complainants alleged that the officer's comments and behavior as observed on the video recording were inappropriate. The video recording was reviewed by OCC as evidence to the citizen complaints. The officer admitted that he made the comments and acted in the manner observed on the video. A preponderance of the evidence proved that the acts alleged did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The co-complainants both stated that they viewed an Internet video recording of a contact between an individual and the officer. Both co-complainants alleged that the officer's comments were inappropriate and/or profane. The video recording was reviewed by OCC as evidence. The officer admitted that he used the profanity as seen on the video recording but stated that he was speaking to the individual in a manner that the individual would understand. Department Order 2.01(14) prohibits officers from using profanity and does not provide any exceptions to the order. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The co-complainants stated that the officer used unnecessary force during an arrest. The officer and his partner denied the allegation. Independent witnesses gave conflicting statements to the officer's actions and whether unnecessary force was used. The arrestee did not cooperate with the OCC investigation despite multiple attempts to gain his cooperation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer arrested a person without cause.

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

FINDINGS OF FACT: A preponderance of the evidence showed that the officer's custodial arrest of the individual was proper and appropriate as the individual was being cited and could not provide any form of identification. When a person is cited and does not have any form of identification and can not be identified, Department policy and procedure is to take the arrestee to the station and identify the arrestee using fingerprints or other identifiers. The officer's actions were proper and lawful.

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SUMMARY OF ALLEGATION #5: The officer handcuffed an individual without justification.

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

FINDINGS OF FACT: The officer stated that he was arresting an individual and transporting that person to the station for identification purposes. Department policy and procedures require the officer to handcuff all arrestees during transport. The evidence proved that the act alleged occurred, however, the handcuffing of the arrestee was proper pursuant to Department policy and procedures.

SUMMARY OF ALLEGATION #6: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was detained for jaywalking without justification. The officers denied the allegation. They stated they detained the complainant for jaywalking. There were no other available witnesses or additional evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer tried to slam him face first onto the ground, causing the right side of his face to hit the concrete. A photograph of the complainant taken on the day of his arrest did not show any evidence of injuries to the complainant's face. County Jail documents indicate the complainant was cleared by Jail Medical Services. County Jail documents further indicate the complainant refused to answer medical questions posed of him by the registered nurse at County Jail triage. The officer denied the allegation. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. The named officer and the witness officer were questioned about the allegation and denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #5: The officer engaged in racially biased policing.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence. The named and the witness officer were questioned about the allegation and denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officer entered a residence with a search warrant.

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

FINDINGS OF FACT: The officer authored a narcotic search warrant and was the lead investigator in the case. The search warrant was valid and signed by a judge of the Superior Court of San Francisco on October 5, 2009. He briefed the assisting officers regarding surveillance and the search warrant service. The officer performed the “knock and notice” properly and made entry into the residence. The co-complainant was present at the time of the police entry. The co-complainant affirmed the police announced their presence with a search warrant. The co-complainant failed to open the door or make contact with the police by walking away and upstairs to the upper flat of the residence. 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 searched a residence without a valid search warrant.

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

FINDINGS OF FACT: The officer authored a narcotic search warrant and was the lead investigator in the case. The search warrant was valid and signed by a judge of the Superior Court of San Francisco on October 5, 2009. He briefed the assisting officers regarding surveillance and the search warrant service. The officer performed the “knock and notice” properly and made entry into the residence. The search warrant commanded the search of a described white male, an acquaintance of the complainants, and the residence (including all associated outbuildings, garages, storage sheds, and mailbox) of the complainant. The search warrant was for a narcotic and its common precursors. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The officer authored a narcotics search warrant and was the lead investigator in the case. The search warrant was valid and signed by a judge of the Superior Court of San Francisco on October 5, 2009. He briefed the assisting officers regarding surveillance and the search warrant service. The officer performed the “knock and notice” properly and made entry into the residence. The co-complainant and the subject of the search warrant were detained while the search of the residence was completed. The officer followed proper protocol for a narcotics search warrant service in regards to detaining occupants of the residence while the search is completed for officer safety. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The co-complainant alleged an officer handcuffed her and brought her into their flat and had her sit on the couch. The co-complainant admitted she failed to open the door and make contact with the officers. She went to the upstairs level to avoid the police. The lead investigator of the case authored a narcotics search warrant and held a briefing with assisting officers regarding the surveillance and the search warrant service. The search warrant was valid and signed by a judge of the Superior Court of San Francisco on October 5, 2009. The lead officer performed the “knock and notice” properly and made entry into the residence. The co-complainant and the subject of the search warrant were detained while the search of the residence was completed. The lead investigating officer could not recall if the co-complainant was handcuffed during the detention. The named officer stated he located the co-complainant in an upstairs room of the residence and brought her downstairs to the living room where she sat with the other detainees. He could not recall if the detainees were handcuffed. The handcuffing of the co-complainant would be considered reasonable for officer safety while searching for narcotics in a residence. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #5: The officer seized property from the residence.

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

FINDINGS OF FACT: The officer authored a narcotic search warrant and was the lead investigator in the case. The search warrant was valid and signed by a judge of the Superior Court of San Francisco on October 5, 2009. He briefed the assisting officers regarding surveillance and the search warrant service. The officer performed the “knock and notice” properly and made entry into the residence. The search warrant commanded the search of a described white male, an acquaintance of the complainants, and the residence (including all associated outbuildings, garages, storage sheds, and mailbox) of the complainant. The search warrant was for a narcotic and its common precursors. The officer recovered several items including suspected methamphetamine. The property was booked as evidence. The co-complainant and the subject of the search warrant were given a copy of the search warrant and the return, which listed the items recovered. 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 #6: The officer failed to provide required information (search warrant).

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

FINDINGS OF FACT: The complainant stated the officers did not present the search warrant to the co-complainant until the end of the search. The co-complainant said shortly after the police located narcotics in her bedroom, they provided the search warrant and left the house. The named officer said eventually he explained to the co-complainant, the reason for the entry, presented the search warrant and documented the recovered property. The officer followed proper protocol for the presentation of a narcotic search warrant. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #7-8: The officers damaged property during a narcotic search warrant service.

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

FINDINGS OF FACT: The lead officer affirmed they caused damage to the exterior and interior of the residence. The damage was done while gaining entry to the property, the residence, and interior rooms. The lead officer could not recall explaining the procedure of the process for a citizen's reimbursement of damages, or that the co-complainant inquired of the process. The assisting officer stated after complying with "knock and notice" at the first metal gate and receiving no response from inside the residence, he pried the metal gate open with a Department tool. He pried open a second metal gate covering the front door, as well. Photographs were taken of the damaged property and a supervisor sent a police memorandum to the captain of the narcotics unit. One complainant admitted hearing and seeing the officer give knock notice. The complainant admitted she did not open the residence but instead began making a telephone call. Pursuant to the warrant, officers were permitted to enter the residence. The evidence proved that the acts, which provided the basis for the allegations occurred, however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #9: The officer made an inappropriate and threatening comment to the co-complainant.

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

FINDINGS OF FACT: The complainants said the police threatened the co-complainant with arrest or provide him with names of people involved with the drugs. The named officer stated he had no knowledge of the allegation of the co-complainant being threatened with arrest if she did not provide her name or names of drug dealers. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant, who is a limousine driver, stated that he made a pre-arranged pickup of passengers at a hotel. The complainant stated that the named officer stopped and cited him for making an improper turn, for unlawful solicitation and for an incomplete and inaccurate waybill. The named officer stated that his assignment was to enforce regulations concerning taxicabs and limousines. The named officer said he saw the complainant's passengers exit the hotel and get directed to the complainant's limousine by the hotel doorman. The named officer then saw the complainant make an illegal right turn. The named officer stopped the complainant's limousine to cite him for the illegal turn. The named officer questioned the complainant's passengers and determined they had not pre-arranged transport in the complainant's limousine as required by law. The named officer examined the complainant's waybill which was incomplete and inaccurately indicated that the passengers had pre-arranged the transport. The complainant's passengers stated that they did not pre-arrange for the complainant's limousine to transport them to the airport. The passengers stated that upon exiting their hotel, they asked the doorman to summon a taxi to take them to the airport, but he directed them to the complainant's limousine instead. The complainant's passengers confirmed that the complainant made the illegal right turn described by the officer. A copy of the complainant's waybill indicated that it was inaccurate and incomplete. The evidence established that the complainant did make an illegal turn and was transporting his passengers in violation of the law. The evidence established that the actions complained of were proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer directed him to exit his vehicle during the traffic stop and to stand on the sidewalk. The named officer stated that he directed the complainant to exit the vehicle and stand on the sidewalk so he could question the passengers in the complainant's limousine about whether they had pre-arranged the transport to the airport outside the complainant's presence. The evidence established that the passengers had not pre-arranged transport to the airport with the complainant as required by law and as the complainant claimed they had. Under the circumstances, the officer was justified in separating a suspect from witnesses in order to obtain independent statements relevant to the offense under investigation. The evidence established that the action complained of was proper.

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SUMMARY OF ALLEGATION #3: The officer made threatening and inappropriate statements and exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officer made threatening and inappropriate statements and exhibited inappropriate behavior, including telling the complainant's passengers that he was transporting them illegally and threatening to place the complainant on a list that would result in his being towed if he was cited for a violation again. The evidence established that the complainant was transporting his passengers in violation of the law. The named officer's supervisor stated that placing the complainant on a list of limousine violators was consistent with Department regulations, which state that repeat violators should be cited for a continuing offense and have their vehicles towed. One of the passengers in the complainant's limousine described the named officer as acting in a stern and somewhat annoyed and rude manner while dealing with the complainant. This passenger stated that the complainant repeatedly asked the officer why he was being stopped and cited and why the officer was instructing him to do certain things. This witness also stated that the named officer repeatedly addressed the complainant as "sir." The other adult passenger in the complainant's limousine described the named officer's manner as "nasty." This witness also described the complainant as "defensive" and stated that the complainant repeatedly asked the officer to explain what he had done wrong before he would comply with the officer's instructions. Two witness officers stated that when they arrived on the scene they observed the complainant yelling and refusing to listen to the named officer's instructions. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer purposely struck him on the arm as the complainant was exiting his vehicle during a traffic stop. The named officer denied striking or having any physical contact with the complainant. Two passengers inside the complainant's vehicle stated that they did not see any physical contact between the complainant and the officer. No other witnesses who were present at the time were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 09/29/09 **DATE OF COMPLETION:** 06/05/10 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer made inappropriate statements and engaged in racially biased policing.

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

FINDINGS OF FACT: The complainant stated that the named officer responded to the scene at the request of the officer who initiated a traffic stop on the complainant. The complainant stated that the named officer asked him what he was doing in the area and whether he lived in the area, and told the complainant that if did not live there he had no reason to be in the area. The complainant stated that he believed the named officer's statement reflected racial bias. The named officer denied making the statements attributed to him by the complainant and denied that anything he said or did was based on the complainant's race or ethnicity. The named officer stated that at the time of this incident, he was assisting in a limousine enforcement program focused on limousine drivers who illegally pick up passengers for rides that have not been pre-arranged, as required by law. The named officer stated that the complainant was cited for making such a pickup at a downtown hotel that has an extensive history of such violations. The named officer stated that he told the complainant, a limousine driver, that if he did not have any pre-arranged fares then he did not need to be in the area of this hotel illegally trolling for taxi fares. Two passengers inside the complainant's vehicle and three witness officers stated that they did not hear the conversation the complainant had with the named officer. No other witnesses who were present at the time were identified. The complainant claimed that at the time of this incident, he was transporting individuals to the airport for a pre-arranged trip. However, other evidence proved this was untrue, which diminishes the complainant's credibility. The named officer's account of what he said to the complainant is more credible than the complainant's account. It is also consistent with the named officer's mission and assignment, which was to prevent limousine drivers from illegally soliciting fares in the area of this hotel. A preponderance of the evidence proved that the acts alleged in the complaint did not occur.

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DATE OF COMPLAINT: 10/13/09 **DATE OF COMPLETION:** 06/30/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complaint stated that, during her visit to the Hall of Justice, the named member yelled at her and made several disparaging comments. According to the complainant, the same member also called her on the phone and left “nasty messages.” The named member acknowledged speaking with the complainant on one occasion at the Hall of Justice but denied acting in the said manner or making the alleged comments. The officer also acknowledged calling the complainant on the phone and leaving a message telling the complainant that the report she had requested was ready to be picked up. The complainant did not preserve the alleged inappropriate messages. Two San Francisco Police Department members named by the complainant as witnesses to her contact with the named member at the Hall of Justice stated to the OCC that they were not present during the occurrence. The complainant’s friend, with whom the named member allegedly spoke about the complainant, did not respond to the Office of Citizen Complaints requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/15/09 **DATE OF COMPLETION:** 06/16/10 **PAGE#** 1 of 1

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

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

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

California Department of Corrections and Rehabilitation
Division of Adult Parole, Region II
1515 Clay Street, 10th Floor
Oakland, CA 94612

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officer's comments and behavior were inappropriate

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

FINDINGS OF FACT: The primary officer stated the complainant had been drinking and was very agitated with the officers on scene. The complainant refused to exit a cab after paying her fare, refused the offer of another cab, and refused to tell the officer where she lived. The primary officer stated while at the scene the complainant was not happy with any option provided to her. The other officer corroborated the complainant was intoxicated and verbally aggressive with police. They offered the complainant a ride home, yet she refused stating she felt unsafe in the backseat of their patrol car. She corroborated the complainant would not provide them with an address for a courtesy ride. The witness supervisor stated the complainant refused his offer of transportation assistance and advised him that the officers did not take her complaint seriously. There is insufficient evidence to either prove or disprove the allegations in this complaint.

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

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

FINDINGS OF FACT: The officers made contact with the cab driver and the complainant to investigate the dispute. The cab driver advised them the complainant was intoxicated and would not exit his cab after paying the fare. The complainant had provided the cab driver with numerous locations of where she lived and was unable to determine her final destination. Both officers stated the cab driver was very reasonable and cooperative with the police. The primary officer said the cab driver offered to take the complainant wherever she requested (for a third time), yet the complainant did not want to get in the cab with the cab driver. The cab driver requested no further action and was released from the scene. A supervisor responded and advised the complainant her dispute with the cab driver was not a criminal matter. The supervisor offered to assist her with a complaint to the taxi detail and she refused that assistance. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #5-8: The officer's failed to provide their names and star numbers when requested.

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

FINDINGS OF FACT: The primary officer said she provided her star number to the complainant and requested a sergeant respond to the scene. The secondary officer said she provided her name and star number to the complainant. The other officers stated the complainant did not ask for their name or badge number, and the complainant did not request the identification of the specific officers. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #12: The officers conducted a biased investigation.

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

FINDINGS OF FACT: The officers denied the investigation. Several witnesses did not respond to the Office of Citizen Complaints request for an interview. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officers denied making any inappropriate comments. Several witnesses did not respond to the Office of Citizen Complaints request for an interview. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #6: The officer conducted herself in an inappropriate manner.

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

FINDINGS OF FACT: The officer denied or did not recall the alleged conduct. A witness did not respond to the Office of Citizen Complaints requests for an interview. Witness officers at the scene denied seeing the alleged conduct. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #7: The officer misrepresented the truth during an investigation.

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

FINDINGS OF FACT: The officer denied the allegation. A witness did not respond to the Office of Citizen Complaints requests for an interview. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #8: The officer filed an inaccurate report.

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

FINDINGS OF FACT: The officer stood by the accuracy of his report. A witness did not respond to the Office of Citizen Complaints requests for an interview. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was arrested during a buy bust operation. During the booking search, marked City funds were located in the complainant's pocket. The complainant has submitted the OCC complaint form where there is no reference to what prompted the arrest. When questioned by the OCC about the arrest he stated that he "did not know what the officer was talking about". The complainant's veracity must be taken into consideration relative to this citizen complaint. The complainant has an extensive criminal history for possession and sales of narcotics as well as a stay-away order from the area where he was arrested. The evidence proved that the acts that provided the basis for the allegation occurred, and that such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #2-4: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant said officers used unnecessary force to take him to the ground and then struck him numerous times in the head resulting in broken and damaged teeth. An officer admitted to using a leg sweep to take the complainant to the ground stating that he did so because the complainant ignored the officers verbal commands and then resisted their attempts to handcuff him. One officer admitted to striking the complainant in his head and face stating that he did so because the complainant continued to resist the officers' attempts to handcuff him. None of the other officers were identified as having struck the complainant. Witness officers denied striking the complainant or seeing any other officer do so. There were no other witnesses. Medical records document that the complainant had facial swelling and bruising as well as dental complications. The force was logged and documented the complainant's injury and complaint of pain as well as the officers' injuries. There is insufficient evidence to determine the level of force necessary to arrest the complainant.

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DATE OF COMPLAINT: 11/04/09 **DATE OF COMPLETION:** 06/05/10 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The officer initiated the traffic stop because while conducting robbery surveillance he observed what he believed to be a person with a gun standing outside a vehicle. The vehicle was illegally double parked at the time. The California Vehicle Code makes it illegal to stop alongside any street when stopping, standing, or parking would obstruct traffic. Based on the totality of the circumstances the officer had reasonable suspicion to conduct the traffic stop.

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

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

FINDINGS OF FACT: The officer denied making the alleged comments. The two witnesses did not corroborate the alleged comments with sufficient specificity to verify that the statements were made in the offending language portrayed by the complainant or the statements did not rise to the level of misconduct. The evidence does not support a dispositive finding.

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

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

FINDINGS OF FACT: The officer denied the allegation. The complainant and witnesses all believed that the race of the driver and passengers directed the actions of the officer. The officer may have had reasonable suspicion to initiate the traffic stop but he also had discretion. The officer's subjective motives could have influenced his discretion the nature of which cannot be definitively proven. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: It was in the non-uniformed officer's discretion under the circumstances to travel beyond the district boundary. The officer remained in contact with his supervisor during the period in question. The non-uniformed officer's initiation of a traffic stop was also sufficiently covered by exceptions that permit said stops if the activity is related to an ongoing criminal investigation and or when witnessing an aggravated situation requiring immediate action to protect life or property. At least one if not both exceptions may be said to apply in this incident. Lastly, the officer did not violate the Department Bulletin when he did not enter the traffic stop into the E585 data base, as the language of the Bulletin in reference to incidents involving 916 and 917 high-risk vehicle stops is permissive not mandatory.

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

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

FINDINGS OF FACT: The named officer denied the allegation. The witness refused to come forward. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The named officer denied the allegation. The witness refused to come forward. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The named officer denied the allegation. The witness refused to come forward. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #4: The officer engaged in biased policing due to inappropriate comment.

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

FINDINGS OF FACT: The named officer denied the allegation. The witness refused to come forward. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #5: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The named officer denied the allegation. The witness refused to come forward. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #6: The officer failed to accept a complaint.

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

FINDINGS OF FACT: The named officer denied the allegation. The witness refused to come forward. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The complainant stated he should not have been arrested, because he was not engaged in the selling of narcotics or the taking of the Marked City Funds (MCF). The complainant admitted he was in possession and using narcotics. The complainant admitted to picking up the money (MCF) that the officer placed on the sidewalk. SFPD records indicated the complainant was on active parole and probation with a warrantless search condition. There were no identified witnesses. 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 harassed the complainant due to bias.

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

FINDINGS OF FACT: The complainant stated the officer harassed him due to a prior contact and in response to the complainant's criticism of the officer during that prior incident. The officer denied the allegation. There were no identified witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #4: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant said the incident report was inaccurate. The complainant stated he was not selling or buying narcotics and that the report did not list his cane, money, narcotics, narcotics paraphernalia or any witnesses. The officers denied the allegation and stated they did not see the complainant's cane or any narcotic's paraphernalia. The officer said the complainant's cash, personal property, and narcotics were booked as evidence. The officer said there were no witnesses at the scene. There were no identified witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #5-6: The officers used force during the arrest of the complainant.

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

FINDINGS OF FACT: The complainant stated officers roughed him up and tackled him to the ground causing his left knee to be re-injured. The complainant did not report his injury to the officers nor request any immediate medical attention. The officers said they tackled the complainant to the ground because he was fleeing the scene. The officers stated the complainant did not sustain any visible injuries nor did he complain of any injuries. There were no identified witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #7-8: The officers failed to properly document and process complainant's property.

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

FINDINGS OF FACT: The complainant stated his money, narcotics, and a cane were not documented or processed. The complainant said his narcotic's paraphernalia was destroyed at the scene by one of the arresting officers. The complainant stated he had a cane with him before the officers arrested him. The complainant admitted he did get back his money after he was incarcerated. The officers denied the allegation. The officers stated they did not recall a cane and the complainant made no mention of it to them. The SFPD records reveal complainant's cash, coins, and narcotics were listed and processed. There were no identified witnesses. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/07/09 **DATE OF COMPLETION:** 06/05/10 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1 & 2: The officers detained the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officers detained her without cause. One of the officers had previous encounters with the complainant and knew the complainant had an extensive drug related criminal record. The officer articulated reasons for the subject encounter and emphasized the encounter was consensual. The officer had observed the complainant exhibit suspicious behavior in an area commonly known for criminal activity. The officer approached the complainant and asked her some questions. The officer emphasized the complainant was free to leave at any time. There is no evidence that the complainant was engaged in criminal activity. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complainant stated the officers searched her without cause. One of the officers admitted searching the complainant because: the officer had previous encounters with the complainant; the complainant exhibited suspicious behavior in an area commonly known for criminal activity; the officer knew the complainant had an extensive criminal record; and the officer was concerned for the officers' safety. There is no evidence that the complainant was engaged in criminal activity. There is insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complainant stated the officers handcuffed her without cause. The officer denied this allegation. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7 & 8: The officers displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officers displayed inappropriate behavior. One of the officers remembered the contact with the complainant, but denied this allegation. The other officers did not recall any of the incidents. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #9 & 10: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated the officers harassed her. The officer denied this allegation. The officer admitted having several contacts with the complainant, but articulated reasons for stopping the complainant on each contact. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer made inappropriate and threatening comments.

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

FINDINGS OF FACT: The complainant alleged the officer said the officer was out to get the complainant. The complainant also alleged the officer told other officers to stop the complainant anytime they saw her. The officer denied these allegations. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC ADDED ALLEGATIONS #1 & 2: The officers failed to issue an 849b, Certificate of Release.

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

FINDINGS OF FACT: The complainant alleged the officers illegally detained and handcuffed her. The officers did not issue a Certificate of Release to the complainant. One of the officers articulated reasons for the stop, but other officers did not remember the incident. The officer stated she did not handcuff the complainant. The officer described the encounter as consensual, and stated the encounter lasted approximately ten minutes. Therefore, no Certificate of Release was warranted. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/12/09 **DATE OF COMPLETION:** 06/18/10 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation. One witness did not observe the takedown. Medical records do not corroborate the complainant's complaint of injury from the alleged use of unnecessary force. There is insufficient evidence to determine the level of force necessary to arrest the complainant.

SUMMARY OF ALLEGATION #2-4: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant did not understand why he was arrested and not the other party. The complainant said he was struck first and then he defended himself. The officers stated they based their decision on witness statements, a private persons arrest and the complainant's resistance during the detention. The officers had the authority to make the arrest Per DGO 5.04 and for violation of state law (Penal Code section 245 (a) 1).

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SUMMARY OF ALLEGATION #5: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The named officer denied the allegation. The witness did not observe the interaction with police. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/15/09 **DATE OF COMPLETION:** 06/18/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant wrote that an unidentified officer used unnecessary force against him at the station. The complainant was not available to give an interview and has failed to respond to the Office of Citizen Complaints attempts to conduct an interview.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged the officers used unnecessary during the arrest. The officers denied the allegation and stated that the force used was necessary to bring the complainant into custody and to protect the safety of all persons on scene including the officers. The complainant admitted that he was intoxicated, and this was corroborated by a civilian witness and the officers. The witness stated that the complainant became belligerent and was escorted from a nightclub for fighting, and for refusing to leave the club. The witness stated he did not observe any force used on the complainant but heard the complainant challenge the officers to arrest him and verbally escalate the situation by arguing with the officers. All officers stated the complainant refused to comply with their advisements to leave the area and then to stop resisting their attempts to detain him. The officers stated the complainant physically pulled away and struggled with them when they attempted to detain him. One officer admitted that due to the complainant's size and level of intoxication they could not control the complainant to bring him into custody and that the complainant was struck and jabbed with a baton during the struggle to bring him into custody to accomplish the detention and arrest. Departmental General Orders 5.01(f)(1) states in relevant part that officers may use force in self-defense or to affect the lawful arrest of a person resisting. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5-8: The officers used unnecessary force on the complainant at the station.

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

FINDINGS OF FACT: The complainant alleged that the officers used unnecessary force on him at the station including striking him with a baton and repeatedly slamming his head into the floor. The complainant admitted that he was spitting in the cell and was told to stop by an officer, however, he continued spitting to clear his throat. All officers denied using any force at the station. They stated the complainant spit on one officer and continued to spit on the floor and walls of the cell despite their requests to stop. The officers stated they entered the cell and placed and held the complainant on the ground while a spit mask was put on him before his transfer to County Jail. There were no witnesses to these actions at the station. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #9-10: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged the officers stopped him for no reason. The officers stated that they attempted to detain the complainant because he was intoxicated, refused to comply with their advisements to get out of the street, to leave the area and that they observed the complainant attempt to re-enter the nightclub that he had just been escorted from and physically removed by club security. The actions articulated by the officers led them to conclude that the complainant was unable to care for himself and no one came forward to care for the complainant. The complainant admitted that he was intoxicated. A witness corroborated that the complainant was intoxicated, was arguing with the officers and that the complainant was escorted from the nightclub for fighting. The evidence showed that the act alleged occurred, however, that detention of the complainant was proper and lawful due to his admitted intoxication and refusal to comply with the officer's requests.

SUMMARY OF ALLEGATION #11-12: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged the officers arrested him for no reason. The officers denied the allegation and stated the complainant was arrested for public intoxication, resisting arrest, assaulting an officer and for having an outstanding warrant. The complainant admitted that he was intoxicated and this was corroborated by a civilian witness and the officers. The officers and the witness stated that the complainant refused to comply with the officer's advisements. Department Records confirmed that the complainant had an outstanding warrant for his arrest. The evidence showed that the act alleged did occur, however, the complainant's arrest was proper and lawful.

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SUMMARY OF ALLEGATION #13-16: The officers failed to provide medical attention.

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

FINDINGS OF FACT: The complainant alleged that the officers did not provide him with medical attention when he requested it. All officers denied the allegation. The officers stated that the complainant did not complain of pain or injuries and refused offers of medical attention from the officers. No witnesses came forward during the investigation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #17-20: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant alleged that a friend of his saw the officers pick up his property but the property was never returned to him. All officers involved in the arrest denied the allegation and stated they did not see any of the missing property so they did not pick anything up. No witnesses came forward during the investigation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated she called dispatch regarding a tenant causing problems and the officers responded and arrested/detained her without justification. The officers stated that they responded to the call and the complainant was uncooperative, screaming, waving her arms about, hysterical and would not respond to their questions. The officers stated that the complainant spontaneously said “I am going to buy a gun and kill myself and also kill my neighbor.” The officers further stated that they observed a cut up pill with a small straw next to the pill. The officers said they detained the complainant based on her behavior, her statements and their observations that led them to believe she was a danger to her neighbor and to herself. The complainant admitted that she made the statements and further added that she should not have made the statements. The officers detained the complainant for a mental health evaluation and transported her to the hospital. The complainant was released from the hospital later that morning after a psychological consultation. The medical report stated that a medical doctor signed and approved the initial detention and medical staff interviewed the complainant who admitted that she was uncooperative with the officers, made the alleged statements but had no intention to follow through with those statements made during her agitated state. The hospital staff felt it necessary to make a Tarasoff notification to the complainant’s neighbor upon her release later that evening. The available evidence showed that the alleged actions occurred but they were justified, reasonable and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officers twisted her arms behind her back, placed tight handcuffs on her and dragged her down the stairs causing pain to her hips, wrists, shoulders and legs. The officers denied using any force other than one officer placing the complainant’s hands behind her back and handcuffing her. The officer stated that the complainant walked down the stairs on her own accord and she did not complain of injuries or have pain complaints. Medical Records do not show any complaint of pain by the complainant and show negative for any injuries to the areas described as injured by the complainant. Medical records stated there were three areas on the complainant’s scalp with superficial abrasions that were not complained of to OCC. Photos taken by OCC eight days after the incident showed bruising on the complainant’s upper left and right arms and a wrist bruise. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5-6: The officer's comments and behavior were inappropriate.

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

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

SUMMARY OF ALLEGATION #7-8: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that the officers took her California Driver License and it was not returned to her. The officers denied that they took the complainant's license, handled it or even saw the complainant's license. There were no independent witnesses to this contact. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/17/09 **DATE OF COMPLETION:** 06/05/10 **PAGE #3** of 3

SUMMARY OF ALLEGATION #9-10: The officers are harassing the complainant.

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

FINDINGS OF FACT: The complainant alleged that the officers are harassing her by returning to her residence when she does not want them responding to her calls for assistance. The complainant further alleged that one officer came to her home when he was off duty and not wearing a hat and that it took him an hour to come to her home after she called the police. Both officers stated they had no knowledge of the complainant prior to this call. One officer stated that he has not returned to her residence. The other named officer stated he has been to her residence once and possibly twice in response to dispatched calls for assistance from the complainant regarding noise complaints. He stated that when he arrived and asked how he could assist her, the complainant asked his name and then closed the door in his face refusing any attempts to find out why she called for assistance. Both officers stated that they are the sector car for the area from which the complainant calls and if available they are required to respond to dispatched calls. A preponderance of the evidence showed that the allegation alleged has not occurred.

SUMMARY OF ALLEGATION #11: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant alleged that the officers report was inaccurate in many ways including that there was no verbal altercation, the word neighbor was used instead of tenant, there was no information regarding the tenants in the report, the word “snort” was used. The officer said the he used the word neighbor in the report because the complainant and the other party reside in the same building with their front doors next to each other. He stated that this was classified as a verbal altercation because there was no physical contact between the parties. He said that he spoke to the tenant/neighbors after the complainant was detained for a mental health evaluation. The witness officer stated that he spoke to the tenant/neighbors and they were not placed in the report because no crime had been committed and they were not present during the mental health detention of the complainant. The named officer stated the word “snort” was in the report because he could not determine if the complainant had used a straw next to a cut up pill to snort the cut up pill. The complainant further alleged that she did not tell the officers that she had a prior 72 hours mental health detention as was written in the incident report. The named officer and his partner stated that the complainant provided them that information but was unsure of when the detention had occurred. There were no witnesses to this contact. The issues raised in this allegation do not represent misconduct by the officer. The evidence proves that the information contained in the incident report accurately reflect what the officers encountered.

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

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately and/or made inappropriate comments. The officer denied the allegation. No witnesses came forward. The evidence was insufficient 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: 01/08/10 **DATE OF COMPLETION:** 06/24/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he requested the officer make a citizen's arrest and did not understand why he was issued a citation.

The officer stated both parties involved requested a citizen's arrest for battery on one another. The officer accepted the citizen's arrest form from the parties, had them sign the citizen's arrest form and issued citations to both individuals for the misdemeanor battery offense. The officer stated she explained the process and reasons for the citizen's arrest form and the citation to the complainant. The witness officer corroborated the named officer's account of the issuance of the citizen's arrest form and the citation. The witness supervisor stated she approved the citation and release process. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION # 2: The officer made inappropriate comments to the complainant

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

FINDINGS OF FACT: The officer denied she told the complainant he would go to jail for arguing with the police. The officer stated she did inform the complainant that peace officers could not make an arrest for an offense not committed in their presence. The officer said she told the complainant he would need to sign a citizen's arrest form and she would cite the other party for the misdemeanor offense. She admitted telling the complainant she was not trained in crime scene investigations. The witness officer said he heard the named officer explain the procedure of a citizen's arrest to the complainant. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer failed to conduct a proper investigation.

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

FINDINGS OF FACT: The officer said she spoke with the complainant individually to hear his side of the story. She requested a Russian translator for the other involved party. The officer observed injuries on both parties, and had her partner officer take photographs of both individuals at the scene. The officer determined both individuals had committed battery on one another, based on their statements and injuries. The complainant and the involved party wanted to place each other under citizen's arrest. The officer accepted the citizen's arrest forms and cited both individuals for the misdemeanor battery offense. The witness officer corroborated the account of the named officer's investigative steps taken at the scene. the witness supervisor corroborated she was briefed by the officers of the battery offenses claimed. Witness supervisor observed the parties sign the citizens arrest forms, approved the citations and release process and brought a camera to the scene. Copies of the citizen's arrest forms and citations were attached to the incident 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:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/11/10 **DATE OF COMPLETION:** 06/05/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-3: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that the officers at the scene did not tell her that they were going to handcuff her and take her to SFGH, otherwise the use of force could have been prevented. The complainant said the officers violently grabbed her arms to try to restrain her. The complainant said she pulled her arm away from the officers because she was protecting it as she is a breast cancer survivor and has to have no pressure on her arm. The officers stated they did not use force and only used physical control a bent wrist control because the complainant was resisting. Two officers added that they are not trained to take medical conditions into consideration when handcuffing. One witness stated he heard the complainant mention her arm but did not see the entire incident when the complainant was taken into custody. Another witness stated he saw the complainant move her arm away when one officer grabbed it and then saw one officer grab the complainant's head and put her to the ground. The witnesses did not see the entire incident when the complainant was taken into custody. The complainant refused to sign the medical release. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant said she begged the officers to loosen the handcuffs because she was in pain. She said one cuff was slightly loosened but said they were still tight. The officer denied the allegation and said that handcuffs are not meant to be comfortable and if there is movement they are much more uncomfortable. The officers stated that the complainant had small wrists and there was only so much he could loosen them without having them slip off easily. One witness stated the complainant did complain of tight handcuffs but said the officer loosened them after a while. Another witness said the officer told him the idea is to have tight handcuffs so the person could calm down and then loosen the cuffs. The complainant refused to sign the medical release. The witnesses did not observe the handcuffing from the beginning. There is insufficient evidence to prove or disprove that the handcuffs were tight due to the complainant's movements or initially employed tightly.

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SUMMARY OF ALLEGATION # 5-7: The complainant was detained without justification.

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

FINDINGS OF FACT: The complainant stated she was hospitalized for a mental health detention without cause. The officers stated that the decision to place the complainant on a mental health detention was made by a psychologist. The witness stated he made the decision to place the complainant in a mental health detention. The investigation proved the officers' actions were lawful, reasonable, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/22/10 **DATE OF COMPLETION:** 06/24/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officers arrested him without cause. The complainant has not come forward to provide his account of what transpired between him and the officers. Department records indicate that the complainant was arrested during a “buy/bust” operation. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: