

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/10 **DATE OF COMPLETION:** 02/03/10 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/02/10 **DATE OF COMPLETION:** 02/20 /10 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/01/10 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complainant raises matters outside OCC's jurisdiction. A copy of this complaint has been personally delivered to the San Francisco Sheriff's Department.

San Francisco Sheriff's Department
Internal Affairs
25 Van Ness Avenue
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/05/10 **DATE OF COMPLETION:** 02/09/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complainant raises matters outside OCC's jurisdiction. A copy of this complaint has been personally delivered to the San Francisco Sheriff's Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/16/10 **DATE OF COMPLETION:** 02/23/10 **PAGE# 1 of 1**

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer drove unsafely.

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

FINDINGS OF FACT: The complainant alleged the officer drove unsafely, trying to run him into parked cars. The named and one witness officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity in speaking to the complainant.

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

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

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

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

FINDINGS OF FACT: The complainant alleged the officers detained him while he was standing on a sidewalk. The named and one witness officer denied the allegations, stating that they had seen the complainant trying to break into a car. Department records indicated that one of the named officers called an emergency dispatcher at the time of the incident and reported that he and another officer were watching what they believed was an ongoing crime. No other witnesses came forward. The evidence proved that the acts that formed the basis of the allegation occurred; however, such acts were lawful, justified and proper.

SUMMARY OF ALLEGATION #5-6: The officers detained the complainant at gunpoint without justification.

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

FINDINGS OF FACT: The named and one witness officer denied the allegation, stating that they were off-duty, detaining a fleeing criminal suspect and held him at gunpoint for their safety. Department records revealed spontaneous statements made by one of the named officers indicating they suspected the complainant of criminal behavior and detained him after following him. No other witnesses came forward. The evidence proved that the acts that formed the basis of the allegation did occur; however, such actions were justified, lawful and proper.

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SUMMARY OF ALLEGATION #7: The officer failed to identify himself as a police officer.

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

FINDINGS OF FACT: The complainant alleged the officer failed to identify himself as a police officer during the time when he was attempting to detain the complainant. The named and one witness officer denied the allegation. The record of an audio transmission by the named officer indicated clearly that the officer identified himself as a police officer. The evidence proved that the act that formed the basis of the allegation did occur; however, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #8: The officer failed to identify himself as a police officer.

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

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

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SUMMARY OF ALLEGATIONS #9-10: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: One named officer denied the allegation, stating that he booked the property as he was instructed by a superior officer. The other named officer denied the allegation, stating that while the property was not booked as he intended, the situation allowed the property processing as it was done. One witness officer denied the property was improperly processed. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer used unnecessary force during a detention.

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

FINDINGS OF FACT: The complainant alleged the officer struck his bicycle with a car in an effort to detain him. The named and one witness officer denied the allegation, stating that the complainant struck a curb while attempting to flee from a crime scene. One witness who heard the crash reported to emergency dispatchers that a vehicle had collided with a bicycle. An engineer who analyzed the physical evidence of the crash stated that the bicycle's rear wheel sustained damage consistent with having been struck by a car, rather than having struck a curb. The evidence proved that the act complained of did occur, and using as a standard the regulations of the department, those act was improper.

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SUMMARY OF ALLEGATIONS #12-14: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that two of the named officers lied when they stated that he had struck a curb on his bicycle, and the third officer lied when he stated that the complainant said at the scene of the accident that he had been going too fast and hit a curb. The named officers denied the allegations, stating that they never heard the complainant make the claim that he was struck from behind by an off-duty officer driving an SUV, and one of the officers said the complainant admitted verbally that he had crashed on his own. Two of the named officers said they did not hear the complainant say how he had crashed. All three witness officers acknowledged they did not interview the complainant. Several witness officers said they did not hear the complainant say how he had crashed. One witness at the scene, a paramedic, confirmed that the complainant claimed he was struck by a vehicle driven by officers. An engineer who analyzed the physical evidence in the case concluded that the complainant's bicycle wheel was struck by a vehicle. The evidence proved the acts that formed the basis for the allegation occurred, and that, using the department's regulations as a standard, were improper.

SUMMARY OF ALLEGATIONS #15-17: The officers prepared an inaccurate and incomplete incident report.

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

FINDINGS OF FACT: The complainant alleged the officers who prepared a report excluded his claim that an officer had struck his bicycle with a car in an effort to detain him, and included a comment he did not make. The named officers denied the allegations, stating that the report was accurate, and claiming that the complainant never made the claim of being hit by a car. One witness confirmed that the complainant stated at the scene that he had been struck by an officer in a vehicle. An engineer who analyzed the physical evidence of the crash stated that the bicycle's rear wheel sustained damage consistent with having been struck by a car. The evidence proved that the acts complained of did occur, and using as a standard the regulations of the department, the acts were improper.

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SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers failed to adequately report a crime they witnessed and investigated while off-duty.

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

FINDINGS OF FACT: The named officers denied the allegations, stating that it was their understanding that another officer was going to include the details of the incident in another report. Two witness officers said that they agreed with one named officer that he would file a second report to detail an incident he had observed. According to department regulations, the report was the responsibility of the officers who observed it, and according to Department standards, the incident was inadequately documented. The evidence proved the acts that provided the basis for the allegation occurred, and that, using the department's regulations as a standard, were improper.

SUMMARY OF OCC ADDED ALLEGATION #3: The officer failed to properly care for a prisoner in his control.

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

FINDINGS OF FACT: The named officer denied the allegation, saying he did not recall ordering an accident victim to stand up after having been ejected from a bicycle in a high-speed crash. One witness officer denied hearing the named officer make the order. An audio record of transmissions made by the named officer indicated that he ordered the accident victim to stand up. The evidence proved that the acts that formed the basis of the allegation did occur and, using as a standard the regulations of the department, the acts were improper.

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SUMMARY OF OCC ADDED ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: During the investigation into the complainant's complaint, the OCC obtained the audio record of a telephone call made by the named officer to the SFPD Emergency Communications Division, which recorded the named officer's exchange with dispatch, as well as his communication with the complainant. The audio revealed that the named officer used profanity towards the complainant. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the conduct was improper.

SUMMARY OF OCC ADDED ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/25/09 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he was sitting in his car when he and his passenger were detained. The officer stated he smelled marijuana emanating from the complainant's vehicle when he approached the complainant to ask him a question, giving the officer reasonable suspicion to detain the complainant and his passenger. The complainant's passenger did not come forward. The officer's partner did not smell the marijuana from where he was standing. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2-3: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant alleged that his vehicle was searched without his consent. The named officer stated that he smelled marijuana emanated from the complainant's vehicle, giving the officer reasonable suspicion to search the vehicle. The complainant denied having marijuana on his person or in his vehicle. The complainant's passenger did not come forward. Other officers at the scene denied participating in the search of the complainant's vehicle. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #4: The officer seized the complainant's property

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

FINDINGS OF FACT: The complainant alleged that the officer removed contents from his ashtray, including cigarette butts and placed substances in a plastic bag. The officer acknowledged that he removed contents from the complainant's ashtray and placed them in a plastic bag. The officer smelled the contents, found the contents to be ashes, and discarded the ashes at the scene. The cover officers denied the allegation and/or did not recall the incident. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #5: The officer misrepresented the truth

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

FINDINGS OF FACT: The complainant alleged that the officer fabricated a charge against the passenger of his vehicle. The officer denied the allegation. The complainant's passenger did not come forward. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #6: The officer failed to take required action

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

FINDINGS OF FACT: The complainant alleged that the officer removed his property that included cigarette butts from his ashtray and did not give him a property receipt. The officer acknowledged that he removed contents from the complainant's ashtray and placed them in a plastic bag. The officer smelled the contents, found the contents to be ashes, and discarded the ashes at the scene. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #7: The officer arrested the complainant's passenger without cause.

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

FINDINGS OF FACT: The complainant stated that the officer lied and falsely arrested his passenger for giving a false name. Court documents showed that a judge ruled that the officer conducted an illegal search of the complainant's passenger and suppressed the evidence. The ruling was based on case law that restricts the search of unburnt marijuana to the driver and the vehicle. The officer wrote in the incident report and testified that he searched the complainant's passenger for marijuana, found suspected heroin and placed the passenger under arrest. Additionally an in-custody search found suspected cocaine. In his interview at OCC, however, the officer stated he searched the complainant's passenger incident to arrest for possession of marijuana and giving a false name. The complainant stated he heard his passenger give the officer his true name as well as saw his passenger hand the officer his California issued identification card. The complainant's passenger did not come forward. The named officer's partner stated he did not smell marijuana. The transporting officer stated he did not smell marijuana. The officer at the scene found no marijuana. The search incident to arrest was unlawful thus the arrest was unlawful. 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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DATE OF COMPLAINT: 02/25/09 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 4 of 4

SUMMARY OF OCC ADDED ALLEGATION #1: The officer searched the complainant's passenger without cause.

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

FINDINGS OF FACT: The OCC alleged that the officer searched the complainant's passenger without cause. Court documents showed that a judge ruled that the officer conducted an illegal search of the complainant's passenger and suppressed the evidence. The ruling was based on case law that restricts the search of unburnt marijuana to the driver and the vehicle. The officer wrote in the incident report and testified that he searched the complainant's passenger for marijuana, found suspected heroin and placed the passenger under arrest. In his interview at OCC, however, the officer stated that he searched the complainant's passenger incident to arrest for marijuana possession and giving a false name. The complainant stated that the officer falsely accused his passenger of giving a false name, placing the complainant's passenger under arrest. The complainant's passenger did not come forward. The named officer's partner stated he did not smell marijuana. The transporting officer stated he did not smell marijuana. The officer at the scene found no marijuana. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF OCC ADDED ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/24/10 **DATE OF COMPLETION:** 02/26/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction. This complaint has been personally delivered to the San Francisco Sheriff's Department.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/24/10 **DATE OF COMPLETION:** 02/26/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction. This complaint has been personally delivered to the San Francisco Sheriff's Department.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said there was a fight outside the bar and restaurant where he was eating with a friend. The complainant denied any involvement with the fight, but said the officers detained him without justification with several males when he exited the restaurant. The complainant said he consumed six beers during a light dinner, but denied being intoxicated. One of the officers and a police supervisor said the six detainees, including the complainant displayed objective signs of intoxication. Other officers involved with the detainees were unable to prove or disprove the allegation and several other witnesses did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer seized personal property from the complainant.

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

FINDINGS OF FACT: The complainant said the officer asked him to produce identification and he provided his California Identification and Mexican consular Identification cards. The officer denied the allegation and said he never received or took any identification from the complainant. While two witnesses could not verify or deny the allegation, several other witnesses stated they saw no detainee providing any identification or any officer taking any identification from the detainees. Several other witnesses did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer handcuffed him without justification after he was detained with several males outside a bar and restaurant. The officer stated the complainant was already detained and sat on the sidewalk against a building when he arrived to serve only as a cover officer. Several other witnesses confirmed the detainees were seated on the sidewalk and were eventually handcuffed, but they could not verify or deny the allegation against the named officer. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer failed to inform the complainant of the arrest charges.

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

FINDINGS OF FACT: The complainant said he asked the officer what were his arrest charges but the officer only told him to shut up and to sit down. The officer stated he could not recall whether or not the complainant asked him why he was being arrested. Four witnesses were unable to either prove or disprove the allegation while other detained witnesses did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6-8: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant alleged the officers responded inappropriately to several of his requests for information or access to services at different times while he was in custody. The officers denied the allegation. Other witnesses near the locations where the acts allegedly occurred either denied the allegation or did not respond to Office of Citizen Complaints requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The preponderance of the evidence established that the station keeper failed to prepare the complainant's medical screening form. San Francisco Police Department policy delineated in the Booking and Detention Manual requires station keepers to prepare a Medical Screening Form when any prisoner is brought into a holding facility. The preponderance of the evidence also established that the officer did not book several intoxicated detainees brought with the complainant into the station in order to avoid monitoring and documenting their sobering process every thirty minutes up to their fourth hour of detention. The evidence further established that the officer did not release the complainant or several of the intoxicated detainees inside the station within the prescribed four hours.

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SUMMARY OF ALLEGATIONS #10-11: The officers failed to follow proper procedures as detailed in DGO 6.15.

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

FINDINGS OF FACT: The complainant said the officer asked for his identification, and he provided two types. The officer denied asking for or receiving from the complainant any identification form. Several witnesses involved in the detention of a group of detainees stated that the group had no identification, and claimed to speak only Spanish. Office of Citizen Complaints requests to five other witnesses for an interview were unsuccessful. San Francisco Police Department station records provided conflicting and unreliable information about the property and bookings of the detainees. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The officer failed to provide proper prisoner custodial security and care.

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

FINDINGS OF FACT: The complainant alleged that unidentified officers brought a prisoner into the holding area, who was not among the detainees in his group. The complainant said the officers who brought the prisoner into the holding facility only secured one of his hands to a rail so he could strike anyone near him. The complainant reported that another prisoner brought later into the station was subject to the unsecured prisoner's aggravated assault resulting in a broken nose and other injuries that required medical evaluation. A San Francisco Police Department Academy Trainer and subject matter expert on the Booking and Detention Manual stated that members trained to assume the responsibilities of station keeper are taught the reasons why all prisoners should be secured by both hands to a bench, but confirmed that station keepers are also given discretion on whether to handcuff one, two or double handcuff the prisoners' hand to the bench. The Office of Citizen Complaints finds a training failure. The Office of Citizen Complaints recommends appropriate action be taken to eliminate ambiguities in training and eliminate current discretion that presently affects the safety of all prisoners and sworn personnel. It is further recommended that the San Francisco Police Department improves its training about custodial security and care to ensure that all prisoners are secured by both hands to the holding bench while in custody absent booking, release or the need for other basic necessities.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officers failed to prepare an accurate and complete report.

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

FINDINGS OF FACT: The reporting officer admitted including in the report inaccurate information about the complainant's release. The reviewing and approving supervisor admitted that he failed to notice the inaccuracy during his review of the report in order to correct proper documentation of the manner in which the complainant was released. The evidence also established that the reporting officer inaccurately reported and the reviewing and approving supervisor also missed other inaccuracies about the release of three other detainees.

SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to properly supervise.

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

FINDINGS OF FACT: The supervisor who reviewed and approved the incident report admitted that he failed to capture numerous errors made by the reporting officer. The supervisor also admitted that he approved and signed the report without causing the corrections to be made.

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DATE OF COMPLAINT: 03/19/09 **DATE OF COMPLETION:** 02/25/10 **PAGE** #1 of 2

SUMMARY OF ALLEGATIONS #1-4: The officers lied about this incident involving the complainant.

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

FINDINGS OF FACT: The complainant admitted stealing some marijuana from his accuser, but denied robbing the individual. The accuser/victim stated the complainant robbed him of cash and threatened the victim/accuser by displaying a firearm. The victim called 911 and reported the robbery. The victim provided a description of the suspect/complainant, a description of the vehicle the complainant was driving and the license plate number of the complainant's vehicle. Officers who were on patrol saw this vehicle and attempted to pull the vehicle over. The complainant admitted attempting to evade police and discarding some of the evidence before he subsequently stopped his vehicle. At a "Cold Show," the victim identified the complainant, who police later charged with robbery, a drug violation, a probation violation and traffic violations. The complainant alleged the officers were friends of the accuser; conspired with the accuser; and lied about the incident. The officers said they had never previously met the victim, and the victim said he had never previously met any of the officers. The victim also said the incident occurred just the way it was reported in the incident report. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant admitted stealing some marijuana from his accuser, but denied robbing the individual. The accuser/victim stated the complainant robbed him of cash and threatened the victim/accuser by displaying a firearm. The victim called 911 and reported the robbery. The victim provided a description of the suspect/complainant, a description of the vehicle the complainant was driving and the license plate number of the complainant's vehicle. Officers who were on patrol saw this vehicle and attempted to pull the vehicle over. However, the complainant admitted attempting to evade police and discarding some of the evidence before he subsequently stopped his vehicle. At a "Cold Show," the victim identified the complainant, who police later charged with robbery, a drug violation, a probation violation and traffic violations. The complainant alleged the officers were friends of the accuser; conspired with the accuser; and lied about the incident. The officers said they had never previously met the victim, and the victim said he had never previously met any of the officers. The victim also said the incident occurred just the way it was reported in the incident report. The evidence proved that the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/09 **DATE OF COMPLETION:** 02/25/10 **PAGE** #2 of 2

SUMMARY OF ALLEGATION #7: The officer approved an inaccurate incident report.

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

FINDINGS OF FACT: The complainant admitted stealing some marijuana from his accuser, but denied robbing the individual. The accuser/victim stated the complainant robbed him of cash and threatened the victim/accuser by displaying a firearm. The victim called 911 and reported the robbery. The victim provided a description of the suspect/complainant, a description of the vehicle the complainant was driving and the license plate number of the complainant's vehicle. Officers who were on patrol saw this vehicle and attempted to pull the vehicle over. However, the complainant admitted attempting to evade police and discarding some of the evidence before he subsequently stopped his vehicle. At a "Cold Show," the victim identified the complainant, who police later charged with robbery, a drug violation, a probation violation and traffic violations. The complainant alleged the officer was a friend of the accuser; conspired with the accuser; and lied about the incident. The officer said he had never previously met the victim, and the victim said he had never previously met the officer. The victim also said the incident occurred just the way it was reported in the incident report. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/09 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that the officer searched her home without cause. The evidence established that the officer had a search warrant for the complainant's home. The evidence established that the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments. A civilian witness could not confirm hearing the named officer make the statements attributed to him by the complainant. The complainant's son, who was facing criminal charges as a result of this incident, declined to be interviewed. The OCC was unable to interview several juveniles who were present at the scene. The named officer denied the allegation and witness officers denied that anyone made inappropriate statements. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/09 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #3: The officer made a threatening comment.

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

FINDINGS OF FACT: The complainant stated that the officer threatened her son. A civilian witness confirmed hearing an officer threaten the complainant's son, but was uncertain which officer made this statement. The complainant's son, who was facing criminal charges as a result of this incident, declined to be interviewed. The OCC was unable to interview several juveniles who were present at the scene. The named officer denied the allegation and witness officers denied that anyone made a threatening statement. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer intentionally tightened her son's handcuffs. A civilian witness confirmed seeing an officer tighten the complainant's son's handcuffs, but was not certain of this officer's identity. The complainant's son, who was facing criminal charges as a result of this incident, declined to be interviewed. The OCC was unable to interview several juveniles who were present at the scene. The named officer denied the allegation and stated that he checked and loosened the suspect's handcuffs when he complained about them. A witness officer confirmed the named officer's account. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/09 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant stated that the officer kicked in the door to a room occupied by her teenage grandchild without attempting to open it by other means. A civilian witness confirmed seeing an officer kick in this door, but provided a significantly different description of this officer than the one provided by the complainant. The complainant's son, who was facing criminal charges as a result of this incident, declined to be interviewed. The OCC was unable to interview several juveniles who were present at the scene. All of the officers who were present denied that any of them kicked in this door.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with Department regulations concerning property damage.

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

FINDINGS OF FACT: The evidence established that the officer was the Case Agent for the service of a search warrant at the complainant's home and wrote the incident report documenting the search, during which a door was damaged by another officer. Although the officer was aware of the damage, which he documented in his incident report, he failed to prepare a memo documenting the damage, as required by Department regulations, until fifty-seven days after the warrant service. The named officer stated that as the Case Agent, he was responsible for preparing the damage memo. The named officer stated that he thinks he prepared the damage memo on the date he did because the Department Legal Division may have requested a copy of it. The evidence established that the officer failed to comply with Department regulations concerning documentation of property damage.

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DATE OF COMPLAINT: 03/19/09 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 4 of 4

SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to properly supervise.

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

FINDINGS OF FACT: The evidence established that the named officer was the Team Leader supervising officers who served a search warrant at the complainant's home during which a door was damaged. The evidence established that the Case Agent for the search warrant service failed to prepare a memo documenting the damage to the door, as required by Department regulations, until fifty-seven days after the warrant service and that the named officer, as his direct supervisor, failed to ensure that the damage was properly documented and therefore failed to properly supervise.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/09 **DATE OF COMPLETION:** 02/20/10 **PAGE** #1 of 2

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

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

FINDINGS OF FACT: The investigation was unable to identify the officer who detained the complainant's son.

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

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

FINDINGS OF FACT: The investigation was unable to identify the officer who detained the complainant's son.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/09 **DATE OF COMPLETION:** 02/20/10 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The investigation was unable to identify the officer who detained the complainant's son.

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

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

FINDINGS OF FACT: San Francisco Police Department Policy is ambiguous as to when force must be logged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/09 **DATE OF COMPLETION:** 02/12/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she, her boyfriend and her boyfriend's friend were detained because the police believed they had drugs on them. The complainant stated she had no idea that her boyfriend or his friend had drugs. The complainant stated that her boyfriend and his friend were taken into custody. The complainant stated she was released at the scene because the police did not find any drugs on her. The Office of Citizen Complainant's investigation established that the complainant and her companions were detained during a buy-bust operation. Based on the officers' testimony and the complainant's own testimony, the officer who detained the complainant had reasonable suspicion to do so. However, officers questioned about the complainant's detention said they did not know who actually detained the complainant. Nonetheless, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer used unnecessary force used during the detention

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force during her detention. The officer denied the allegation. Witness officers did not witness the officer's interaction with the complainant. The complainant's boyfriend statement was inconclusive. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/09 **DATE OF COMPLETION:** 02/12/10 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #3: The officer searched the complainant's personal property without cause.

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

FINDINGS OF FACT: The complainant stated the officer searched her purse. The officer denied searching the complainant's purse. The witness did not recall the search. The witness officers did not recall the search. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated an Asian officer wearing an Adidas jacket was rude and provoking. The officers questioned regarding this allegation denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/27/09 **DATE OF COMPLETION:** 02/22/10 **PAGE #1 of 2**

SUMMARY OF ALLEGATIONS #1-3: The officers detained the complainant without justification

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

FINDINGS OF FACT: The complainant stated he and his friends were at an anti-war demonstration when they were pepper sprayed by protesters. The complainant stated that when the police arrived, he and his friends were unnecessarily detained. One of the named officers said that when he arrived on the scene, the complainant and his friends were engaged in a verbal altercation with opposing protesters. The other two named officers said they were instructed by the initial responding officer to detain the complainant. Witnesses interviewed by OCC said that the complainant and his friends threatened and spat on them. Department General Order 5.03 allows an officer to briefly detain a person for questioning or request identification if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. Based on the complainant's own statement and the statements from the witnesses, the officers had reasonable suspicion to detain the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #4: The officer failed to comply with Department General Order 7.01.

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

FINDINGS OF FACT: The complainant stated he and his friends were transported to the station. The officer stated that there was a hostile crowd where the complainant and his friends were detained, making it difficult to conduct interviews of the parties involved in the altercation. The officer said it was his decision to have everyone transported to the station, allowing him to complete his investigation. Given the totality of the circumstances, the investigation established that the officer's conduct was proper. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/27/09 **DATE OF COMPLETION:** 02/22/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers used unnecessary force during the detention

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

FINDINGS OF FACT: The complainant alleged that the officers used unnecessary force. The officers denied the allegation. Witnesses interviewed by the OCC did not corroborate the complainant's allegation against the officers. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/09 **DATE OF COMPLETION:** 02/09/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was issued a citation for “jaywalking”. The officer cited the complainant for violation of California Vehicle Code Section 21453(d). Based on the complainant’s account of what happened, the evidence proved that the officer had cause to cite him for jaywalking. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer applied the handcuffs too tight.

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

FINDINGS OF FACT: The complainant stated the officer applied the handcuffs too tight. The complainant acknowledged he resisted the officer’s attempts to handcuff him. The named officer stated the complainant was resisting and he was only able to get one handcuff on and required the assistance of two other officers to complete the handcuffing. The back-up officer stated he observed the named officer in a struggle while trying to place the complainant in handcuffs. The back-up officer stated that he assisted in completing the handcuffing of the complainant; they moved the complainant to a place of safety, checked the degree of tightness and loosened the handcuff. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/09 **DATE OF COMPLETION:** 02/09/10 **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 complainant stated the officer made inappropriate comments. The officer denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant alleged that the officer used profanity during the encounter. The officer denied the allegation. No independent 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: 04/08/09 **DATE OF COMPLETION:** 02/12/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer filed an incomplete and/or inaccurate report.

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

FINDINGS OF FACT: The initial report was prepared by the named member. Supplemental statements prepared by three witness officers corroborated the statement of the named member. There were no other witnesses. The evidence established to a substantial certainty that the report is an accurate representation of the events that occurred.

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

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

FINDINGS OF FACT: The evidence supported probable cause to arrest the complainant based on the complainant's own admissions and medical reports. The arrest was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/09 **DATE OF COMPLETION:** 02/12/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: This allegation raises matters outside OCC's jurisdiction.

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

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

San Francisco Sheriff's Department
Internal Affairs
San Francisco Sheriff's Department
25 Van Ness Avenue, Room #350
San Francisco, CA 94102

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/18/09 **DATE OF COMPLETION:** 02/24/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: Biased policing due to race.

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

FINDINGS OF FACT: The complainant forwarded to OCC several letters and complaints. The complainant stated that SFPD officers were conducting biased policing due to race as evidenced in the letters and the complaints presented to OCC. The complaints included but were not limited to traffic stops, citations, vehicle tows and premises searches. The OCC conducted eleven separate investigations into all the complaints that were brought to the OCC's attention including this complaint. No pattern was established that showed members of the Department either engaged in biased policing or that the Department had a policy of biased policing. The findings in all of the cases included, 11-Not Sustained findings due to insufficient evidence to either prove or disprove the allegation; 3- Proper Conduct findings that the act alleged did occur, however said act was lawful; 4- No Findings that the complainant did not come forward or the officer could not be identified due to lack of information; 1-IO-1 referral that was referred to another agency as OCC had no jurisdiction over the matter; 1-Unfounded that the act alleged either did not occur or the officer alleged to have made the act was not involved; 2-Training Failures that arose from officers not being trained sufficiently when coming into contact with Limited English Speakers. The evidence and investigations did not show any sustained findings for biased policing due to race. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/07/09 **DATE OF COMPLETION:** 02/01/10 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer tried to dissuade her from pursuing her OCC complaint against another SFPD officer at a community meeting. The named member denied acting in the alleged manner. The statements from three individuals, who were present at the meeting, were inconclusive and contradictory. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/09 **DATE OF COMPLETION:** 02/25/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in an inappropriate behavior.

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

FINDINGS OF FACT: The named member denied the allegation. The statements from three complainants and two witnesses were inconclusive. The Department records contradicted the complainants concerning one aspect of the allegation. Overall, the available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/09 **DATE OF COMPLETION:** 02/24/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that he was cited without cause. The officer and another officer denied the allegation. No other 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/23/09 **DATE OF COMPLETION:** 02/26/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated an officer made a profane statement. All the officers at the scene were questioned. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer arrested him without cause. The victim told the officer the complainant threw a shoe at her, causing an injury. The witness corroborated the victim's statement. The officer arrested the complainant for violation of Penal Code Section 273.5(a). Department General Order 6.09 requires officers to treat all acts of domestic violence as criminal conduct. When the elements of a crime exist, members shall make an arrest. Based on the complainant's own statement and the statements from the witnesses, the officer had probable cause to arrest the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/09 **DATE OF COMPLETION:** 02/11/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer arrested her without any legitimate reason. The arresting officer stated that he arrested the complainant because she battered him, resisted arrest and possessed narcotics paraphernalia. During her OCC interview, the complainant actually acknowledged taking actions during the incident that could have been reasonably viewed as “battery on a police officer” and “resisting arrest,” although she denied having any narcotics pipe on her person at the time of the event. The available evidence (the complainant’s admissions) proved that, irrespective of whether the complainant was in possession of narcotics paraphernalia or not, the named member had probable cause to take her into custody for battery on a police officer and for resisting arrest and his decision to arrest the complainant was reasonable, lawful and proper.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/09 **DATE OF COMPLETION:** 02/11/10 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer lied in his report regarding her actions during the incident and regarding her allegedly having narcotics paraphernalia. The named member stated that his report accurately described the events relevant to the complainant's arrest. Two other officers involved in the incident supported this statement. Two other officers questioned in connection with this complaint stated that they did not see some of the parts of the complainant's arrest. There were no other identifiable witnesses to the complainant's arrest. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4-5: The officers made inappropriate comments and engaged in biased policing.

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

FINDINGS OF FACT: The complainant stated that several officers made homophobic comments and the officers' actions during the incident showed their homophobic bias against her. The complainant attributed one of the alleged comments to the arresting officer. This arresting officer, as well as four other SFPD member involved in the complainant's arrest, denied making the alleged comments and denied that the arrest had anything to do with her gender. No other witnesses came forward. The available evidence was insufficient to identify other members who engaged in the alleged misconduct and prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/09 **DATE OF COMPLETION:** 02/11/10 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: Information Only -1

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

FINDINGS OF FACT: The issue raised by the complainant was outside of the OCC's jurisdiction and was forwarded for further investigation to the appropriate authority:

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/09 **DATE OF COMPLETION:** 02/25/10 **PAGE** #1 of 2

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

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

FINDINGS OF FACT: The officer is unavailable.

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments and behaved in an inappropriate manner.

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

FINDINGS OF FACT: The officer denied the allegation. None of the witnesses responded to the OCC's request for an interview. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/09 **DATE OF COMPLETION:** 02/25/10 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer failed to maintain required knowledge.

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

FINDINGS OF FACT: The officer is unavailable.

SUMMARY OF ALLEGATION #4: The officer failed to maintain required knowledge.

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

FINDINGS OF FACT: The evidence proved that the statements that provided the basis for this allegation were made; however, said statements were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/09 **DATE OF COMPLETION:** 02/11/10 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he was detained without justification. The officers stated they detained the complainant because the complainant fit the description of the suspect being pursued by plainclothes officers. The plainclothes officer admitted putting out the complainant's description over the radio. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3-5: The officers retaliated against the complainant for filing a prior OCC complaint.

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

FINDINGS OF FACT: The complainant stated officers retaliated against him for filing a prior OCC complaint. The officers denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #6: The officer searched the complainant.

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

FINDINGS OF FACT: The complainant alleged he was searched. All of the officers at the scene were interviewed. The officers had no recollection of searching the complainant. The officers denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #7: The complainant alleged he was strip searched.

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

FINDINGS OF FACT: The complainant alleged he was strip searched. All the officers at the scene were interviewed. The officers denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #8: The officers searched the complainant's hotel room without cause.

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

FINDINGS OF FACT: The complainant alleged the officers searched his hotel room without cause on two separation occasions. The officers questioned regarding this allegation denied the allegation and there were no departmental records to support the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant alleged that his property was seized. All of the officers questioned regarding this allegation denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #10: The officer failed to properly process complainant's property.

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

FINDINGS OF FACT: All of the officers questioned regarding this allegation denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant alleged that the officer threatened him. The officer denied the allegation and other officers denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to complete a strip search form.

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

FINDINGS OF FACT: The complainant alleged that he was strip-searched. The officers involved in this investigation denied that the complainant was strip searched. No other witnesses 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:

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SUMMARY OF ALLEGATION #1: The officer retaliated against the complainant for filing a complaint.

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

FINDINGS OF FACT: The complainant stated the officer retaliated against him for filing a prior OCC complaint. The officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant told the OCC that he believes he was cited because he had previously filed an OCC complaint. The officer denied retaliating against the complainant and articulated his probable cause for the citation. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: During her arrest the complainant's humerus bone was fractured. The complainant said the fracture occurred when the officer grabbed and twisted her arm causing it to break. The officer said he grabbed and twisted the complainant's wrist, and said he did so only after she ignored his verbal orders and assaulted him twice. The officer denied knowingly using force that might result in fracturing a bone, stating that he applied minimal pressure to her wrist, but at the time he did hear the "pop" of the bone fracture. Witnesses who observed the contact between the complainant and the officer described the complainant as verbally abusive to the officer when he approached her. Witnesses said the complainant resisted the officer and scratched him. The witnesses said they did not see the officer use any force likely to cause a bone fracture. Witnesses described the complainant's behavior as indicative of mental instability. One of the witnesses said that the complainant had come at him with a box cutter and threatened to kill him. The police originally had responded to the incident of a "A priority – 222" person with a knife. During the first contact officers documented via CAD that the complainant was "slightly 800," and a knife was found in the possession of the complainant and returned to her. CAD audio recordings document a report of a woman in an alley threatening a man with a knife. Medical records document the fracture. The medical records also document a history of mental illness. There is insufficient evidence to establish the level of force reasonable or necessary to control the complainant.

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

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

FINDINGS OF FACT: Witnesses attested to all the violations charged against the complainant. There was probable cause to arrest the complainant.

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

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

FINDINGS OF FACT: The investigation was unable to identify any specific officer as all officers denied committing or witnessing any of the alleged acts or comments. There is insufficient evidence to reach a definitive finding.

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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 said the officers were inside a vehicle, which failed to yield to the complainant as he was crossing a street. The officers said they detained the complainant for violating section 21950(b) of the California Vehicle Code, Right of Way At Crosswalks. The officers said the complainant stepped off the sidewalk and walked near the path of their vehicle after their vehicle was already crossing the intersection. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officers inaccurately reported his actions in order to justify the search of his person and his prolonged detention. The officers denied the allegation and stated that the complainant was searched incident to his arrest and after the complainant told them that his police badge was inside a pocket. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-7: The officers detained the complainant for a prolonged period of time.

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

FINDINGS OF FACT: The complainant said he was detained for an hour and a half without due cause. The officers stated that the complainant was detained for a prolonged period of time because he impersonated a police officer during his detention, was going to be booked for the misdemeanor of what they considered was likely a continuing offense. Although a witness on scene confirmed that the complainant acted in violation of the City College cadet program regulations, the witness was not present at the time of the alleged impersonation of a police officer, a misdemeanor. The evidence established that the complainant was transported to the station to copy identification items in his possession needed for the police report. He was released from custody shortly thereafter due to insufficient grounds for making a criminal complaint against him. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #8-9: The officers failed to write an accurate and complete report.

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

FINDINGS OF FACT: The complainant alleged that the officers inaccurately reported his actions in order to justify his detention, search, and prolonged detention. The officers denied the allegation and stated that their incident report accurately and completely reflected the facts regarding the complainant's detention leading to his release from the station. There were no witnesses to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was walking and was approached by uniformed and plainclothes officers. The named officers detained and handcuffed the complainant. The named officers were assigned to the arrest team of the undercover buy-bust operation. An undercover officer made a narcotic transaction with the complainant. The undercover officer made the prearranged buy bust signal. The named officers were directed to the location of the complainant and they detained and arrested the complainant for violation of 11352(a) Health and Safety Code. The undercover officer told the named officers of the narcotic transaction with the complainant. 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 #3-4: The officer arrested the complainant without cause

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

FINDINGS OF FACT: The complainant was walking and was approached by uniformed and plainclothes officers. The complainant stated the officers detained and arrested him. The named officers were assigned to the arrest team of the undercover buy-bust operation. An undercover officer made a narcotic transaction with the complainant and made a prearranged bust signal. The named officers were directed to the location of the complainant. The named officers arrested the complainant for violation of 11352(a) Health and Safety Code. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such act, were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated he was walking and he was approached by uniformed and plainclothes officers. The complainant stated the officers grabbed and handcuffed him. The named officers were assigned to the arrest team of a Buy-Bust Operation. The named officers were directed to the location of the complainant after the undercover officer made a narcotic transaction with the complainant. The named officers handcuffed the complainant. The named officers adhered to department policy to handcuff individuals who are taken into custody, prior to being searched. 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 #7: The officer used force during the detention.

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

FINDINGS OF FACT: The complainant stated an unidentified officer grabbed him by the throat and he was handcuffed. The complainant stated he opened his mouth to indicate he did not have any narcotics in his mouth. The complainant was unable to identify the officer. The officers were assigned to the arrest team of the buy-bust operation, did not see any police officer grab the complainant by the throat. No independent witness 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 #8: The officer used profanity.

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

FINDINGS OF FACT: The complainant told an unidentified officer he worked for the "FBI" and the officer replied with a profane epithet. The complainant was unable to identify the officer who used the profanity. The officers assigned to the arrest team of the Buy-Bust Operation did not hear the complainant make a reference about the "FBI". The officers did not hear any officer make any profane prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT

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

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

FINDINGS OF FACT: The complainant alleged that the officer's behavior and comments were inappropriate. The officer stated that he had a difficult conversation with the complainant in which the complainant became upset because the officers would not evict his roommate for him. However, the officer, three witness officers and a dependent witness denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made a sexually derogatory remark.

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

FINDINGS OF FACT: The complainant alleged an officer called him a sexually derogatory remark three different times during this police response, but would not provide OCC with a specific context or sentence in which the remark was made. Four officers and a dependent witness denied the allegation. There is insufficient evidence to either prove or disprove the allegation against any particular officer.

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

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

FINDINGS OF FACT: The complainant alleged that the officer threatened to take him to jail during a conversation to assess whether a criminal act had taken place. The officer stated that he had a difficult conversation with the complainant in which the complainant became upset because the officers would not evict his roommate for him. However, the officer, three witness officers and a dependent witness 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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SUMMARY OF ALLEGATIONS #1 and 2: The officers entered the complainant's room without cause.

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

FINDINGS OF FACT: The complainant had rented the hotel room for one week. The complainant vandalized the room and was evicted by the hotel management, but refused to leave. The hotel management informed the complainant that he was trespassing and the police would be called to remove him from the room. The hotel management called the police who responded to assist in removing the complainant. During their interaction with the complainant, the officers, with the permission of the hotel management, entered the room. Under the law a justifiable eviction terminates a hotel occupant's reasonable expectation of privacy in the room. The hotel manager informed the officers that he wanted the complainant removed as a trespasser and requested their assistance. In these circumstances the police may lawfully enter the room to assist the management in removing a trespassing occupant. The actions of the officers were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3 and 4: The officer behaved in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: Both officers denied the allegation. A witness from down the hall saw but could not hear the conversation and was not present during the entire encounter. There were no other witnesses. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The complainant knew that the alleged victims called the police and made the allegations of criminal threats against him. He complained that the police did not allow him to explain away these allegations. The signed statements of the three alleged victims in the case provide probable cause for the complainant's arrest. The alleged victims wrote in their statements that the complainant threatened to stab them, and he was arrested for criminal threats. Both officers stated that this was why the complainant was arrested. Probable cause existed for this arrest, and therefore the arrest was proper conduct. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #3-4: The officers used profanity during the arrest.

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

FINDINGS OF FACT: The complainant stated that the officers allegedly used profanity to him outside the presence of the alleged victims in this case. The complainant stated that there were no witnesses known to him where he was arrested outside the building where the officers' comments were allegedly made. The officers deny the allegations of use of profanity. As there were no witnesses, there is insufficient evidence to prove or disprove the allegations.

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SUMMARY OF ALLEGATION #5-6: The complainant was arrested because of biased policing.

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

FINDINGS OF FACT: The complainant stated that he was arrested because the officers were biased against him as a black man. The officers denied this allegation. Importantly, as the arrest was proper conduct, as shown above, it follows that the arrest was not evidence of biased policing. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated the officers harassed him. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers detained him. The officers had no recollection of the alleged detention. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-6: The officers pat searched the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officers searched him. The officers stated they had no recollection of the alleged detention and/or search. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: Officer(s) used unnecessary force.

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

FINDINGS OF FACT: The complainant is a health provider and a mandated reporter. The patient who was the subject of the alleged force did not respond for an interview. There was no evidence available to reach a finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #2: The officer engaged in inappropriate behavior.

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

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

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

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

FINDINGS OF FACT: The complainant alleged he observed a patrol car violate several vehicle code sections while traveling on a main street. The complainant provided the department identification number of the patrol car. The named officer affirmed he drove the identified patrol unit on the alleged date. However, he did not drive on the street stated by the complainant nor did he make any traffic stops during that month. The officer stated he drove to the courthouse and was sitting in the courtroom at the time alleged. The named officer provided documentation that indicated he was signed-in at court during the date and time alleged. OCC made numerous attempts to contact the complainant for additional evidence. The complainant failed to provide additional requested evidence. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer detained the complainant due to bias.

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

FINDINGS OF FACT: The complainant alleged the officer detained him due to bias. The complainant further alleged the officer stopped and detained him because of his race. The officer denied the allegation. The evidence shows that the complainant was stopped and detained because of Vehicle Code violations. The evidence proved that the acts, which provided the basis for the allegation, did not occur.

SUMMARY OF ALLEGATION #2: The officer issued the complainant a citation due to bias.

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

FINDINGS OF FACT: The complainant alleged that the officer issued him a citation due to bias, based upon the complainant's race. The officer denied the allegation. The evidence shows that the complainant had a non-functioning brake lamp on his vehicle. The evidence further shows that the complainant's driver's license was suspended, and that he failed to provide proof of insurance to the officer. The evidence therefore proved that the acts did not occur.

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

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

FINDINGS OF FACT: The complainant alleged that the officer towed his vehicle without justification. The evidence shows that the complainant had a suspended license. Pursuant to Department General Order 9.06, the tow was mandatory. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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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 properly investigate a vehicle accident. The OCC investigation established that the complainant was involved in a non-injury traffic accident that did not require an investigation under the department's policy and procedures. Information was exchanged between the two involved parties. The evidence proved that the officer acted properly.

SUMMARY OF ALLEGATION #2: The officer provided inaccurate information.

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

FINDINGS OF FACT: The complainant alleged that the officer provided inaccurate information. The complainant stated the officer provided the insurance company of the other party an inaccurate location of the incident. The officers who were questioned denied the allegation. The officers denied contacting the insurance company. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant denied resisting and stated the officer stepped on his toe and pulled on his finger to raise his arms causing pain. The complainant said he told the officer he was hurting him. The officer stated he used physical control because the complainant was resisting. The officer denied stepping on the complainant's toe. There were no witnesses. The medical records indicate there was slight insignificant swelling to the soft tissue. There is insufficient evidence determine that the level of force was excessive and/or unnecessary.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to prepare an incident report.

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

FINDINGS OF FACT: There was no incident report found on QIR or RMS. At the OCC interview, one officer brought a copy of the Incident Report prepared by the officer who is no longer with SFPD. The report was requested again through RMS and there was still no record of it in the system. The officer is no longer available for further questioning as to the how the report was processed upon completion.

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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 is an activist for an international movement that advocates for the rights of individuals to appear nude in public. The complainant walked on a public street naked and was arrested for maintaining a public nuisance. He contended that his appearing nude in public is not a violation of the Penal Code and denied any criminal intent by his actions. The officers arrested the complainant for maintaining a public nuisance. Two individuals signed citizens' arrests in support of the arrest and wrote supporting statements attached to the police report. The officers had sufficient probable cause to arrest the complainant based on the citizens' arrests. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to make an arrest.

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer failed to provide name and star number when requested.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 02/24/10 **PAGE** #1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer issued him a citation for loitering with the intent to engage in an act of prostitution. The officer and his partner stated they observed the complainant continuously circling the block, and stopping to or beckoning to prostitutes. An arrested prostitute told the officer that the complainant was trying to make contact with her. No other witnesses came forward during the investigation. The arrestee did not respond to OCC contact attempts. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer either issued the citation or advised another officer to issue him a citation. The evidence showed that another officer issued the citation to the complainant based on his observations of the complainant. The officer who issued the citation denied that the named officer directed him to issue the complainant a citation. The named officer denied the allegation. The evidence showed that the act alleged did not occur and is unfounded.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 02/24/10 **PAGE** #2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer detained him for no reason. The named officer stated she detained the complainant based on a request from officers in an unmarked unit to detain the complainant for investigation of loitering for prostitution activities. Witness officers corroborated that they were in plainclothes working a prostitution abatement detail. The officers observed the complainant engage in what they believed to be prostitution related offenses. A prostitute told them that the complainant had waved at her and followed her as she tried to avoid the complainant. The witness officers were plainclothes and in an unmarked unit. Pursuant to Department regulations they could not stop the complainant while in the unmarked unit. They requested the named officer, who was in uniform and in a marked San Francisco Police Department patrol car to effect a detention on the complainant who was driving his vehicle. The witness officers corroborated that they requested the named officer to detain the complainant for investigation. The investigation showed that the act alleged did occur, however said act was proper according to San Francisco Police Department policies and procedures.

SUMMARY OF ALLEGATION #4: The behavior and comments of the officer were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer placed her fingers in her ears and told the complainant she did not want to hear from him. All officers either denied that this occurred or did not see or hear this occur. No witnesses came forward during the investigation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 02/24/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that a helmeted SFPD motorcycle officer's behavior and comments were inappropriate. The OCC investigation determined that this incident occurred at a movie film site. All motorcycle officers assigned to that duty were questioned. All officers denied being the officer that made the alleged comment or acted in the alleged manner. There were no witnesses to the incident identified by the complainant or the officers. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 02/24/10 **PAGE** #1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer issued him a citation without cause. The officer stated she issued the complainant a citation for a violation of CVC 26708(a)2 obstruction in the windshield. A photograph of the complainant's vehicle shows a "necklace" dangling from the vehicle's rear view mirror. The complainant challenged the citation in court but was found guilty of the violation. CVC 26708(a)2 states in relevant part; That no person shall drive a motor vehicle with any object displayed, installed, affixed or applied in the vehicle which obstructs or reduces the drivers clear view through the windshield. The necklace hanging from the rear view mirror violates the law as it obstructs the driver's clear view through the windshield. The evidence showed that the act alleged did occur, however said act was lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer detained him for no reason. The officer stated that she observed the complainant sitting in a parked vehicle. She later observed him driving that same vehicle and saw something dangling and sparkling hanging from the rear view mirror. A photograph of the complainant's vehicle shows a "necklace" dangling from the rear view mirror in violation for CVC 26708(a)2. The officer's observation provided probable cause for her to effect a traffic stop and detain the complainant for investigation of a violation of the vehicle code. The complainant was found guilty of the violation and paid a fine. The evidence showed that the act alleged occurred, however the act was proper and lawful.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 02/24/10 **PAGE** #2 of 2

SUMMARY OF ALLEGATION #3: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that the named officer told another officer something to the effect, "He's lying". The officer admitted that she said, "He might be lying" because when she conducted a computer query on the complainant's name, the query came back with a similar match of a person with the same name on probation. The officer asked the complainant if he was on probation and the complainant responded, "Not anymore". A check of computer records verified that when the complainant's name is queried, his name comes back with the same DOB for two different RAP sheet numbers; and another person with a similar name; and another listing under the complainant's name with the same DOB but listed as a female. The query also showed that the complainant's probation ended two weeks before this stop. Based on the information the officer received during her computer query of the complainant's name, the officer acted appropriately in alerting the cover officer that the information provided by the complainant may not be truthful or accurate. The evidence showed that the alleged act occurred, however said act was appropriate and proper under current Department investigative procedures and policies.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/09 **DATE OF COMPLETION:** 02/25/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said he was on the sidewalk talking to a friend when the named officer detained him for no reason. The complainant stated he was not drinking an alcoholic beverage or any type of beverage. The named officer and his partner stated they observed the complainant drink from a bottle concealed by a plastic bag. The officers said that based on their experience they knew that it is common for persons to conceal alcohol by using a bag to cover the bottle. The officer stated he detained the complainant to investigate whether the complainant was drinking an alcoholic beverage in violation of MPC 21(a), Drinking in public. No independent witnesses were identified or came forward during the investigation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer issued him a citation for drinking in public. The complainant denied that he was drinking alcohol. The officer and a witness officer both stated they observed the complainant drink from a bottle concealed by a plastic bag. The named officer investigated and said he found an open container of alcohol concealed in the bag and issued the complainant a citation for a violation of MPC 21(a), Drinking in Public. No independent witnesses were identified or came forward during the investigation. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/09 **DATE OF COMPLETION:** 02/25/10 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officer denied the allegation. A witness officer stated he did not hear the named officer make the alleged comments. No witnesses were identified or came forward during the investigation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 02/17/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant alleged that the officer arrested him without cause. The complainant said that while participating in a skateboard competition, the officer stopped and arrested him. The officer said the complainant was arrested for a skateboard infraction, resisting and obstruction of justice. The evidence shows that the complainant was skateboarding on the sidewalk. The evidence further shows that the complainant resisted the officer during the contact. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleged that the officers used unnecessary force during the arrest. The officers denied the allegation. One of the officers said the complainant elbowed him on the chest so he used a control hold and bar arm take down to prevent the complainant from further assault. The other officer said he assisted by placing the complainant in handcuffs while the latter was on the ground. No witnesses came forward. The evidence was inconclusive to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 02/17/10 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant alleged that while in a police vehicle being transported to the station, one of the transporting officers made inappropriate comments. The officers that were questioned denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant alleged that the officer issued him a citation without cause. The complainant was cited for skateboarding on the sidewalk and for resisting and obstruction of justice. The evidence shows that the complainant was riding on his skateboard on the sidewalk when contacted by the officer. Section 100(a) of the San Francisco Traffic Code states that it shall be unlawful for any person upon roller skates or riding in or by means of any coaster, skateboard, toy vehicle or other similar device to go upon any sidewalk in any, business district or upon any roadway within the City and County of San Francisco. The evidence further shows that the complainant resisted the officer during the contact. The evidence therefore proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 02/17/10 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant alleged that the officer failed to properly process his property. The complainant said the officer took his Mexican identification and never returned it to him upon his release. The officers that were questioned denied taking any identification from the complainant. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/09 **DATE OF COMPLETION:** 02/26/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged he observed an officer smoking a cigarette while seated in a patrol car. The officers assigned to the vehicle were questioned. One officer denied the allegation. The second officer had no recollection of the incident. No witnesses came forward. No Department policy exists prohibiting smoking in patrol vehicles. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/15/09 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complaint failed to provide additionally requested evidence.

SUMMARY OF ALLEGATION #2: The officer failed to comply with the DGO 2.02

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

FINDINGS OF FACT: The complainant failed to provide additionally requested information necessary for the meaningful investigation of the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/15/09 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 2 of 2

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with the Department E585 policy.

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

FINDINGS OF FACT: In the course of investigation of this complaint, the Office of Citizen Complaints found that the CAD concerning the complainant's traffic stop by the named member contained no entry required by the Department E585 policy. When questioned by the Office of Citizen Complaints, the named member stated that he made the required entry at the end of his watch. The documents obtained by the Office of Citizen Complaints from the San Francisco Police Department Legal showed that the named member indeed recorded the complainant's traffic stop in accordance with the Department policy.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/09 **DATE OF COMPLETION:** 02/10/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was detained pursuant to Welfare and Institutions Code §5150 without reason. The officer stated they detained the complainant in response to a request by mental health professionals who prepared the paperwork for the psychiatric detention. The complainant's nurse stated the complainant was suicidal and in an altered mental state. The officer's actions were proper.

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

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

FINDINGS OF FACT: The complainant stated he was handcuffed and taken to the ground. The officers stated the complainant was very intoxicated and was pushing and shoving his nurse and case manager. They stated he ignored their verbal commands to stop resisting their efforts to handcuff him. They stated they conducted a bar arm takedown to establish control. The complainant's nurse stated that the officers were trying to keep the complainant from hurting her and the complainant's case manager. The witness stated the officers were trying to contain the complainant but he was so intoxicated he fell down. The witness further stated the officers went to the ground with him. The complainant injured his eye and knee. The officers' actions were proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/09 **DATE OF COMPLETION:** 02/10/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers failed to provide identification upon request.

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

FINDINGS OF FACT: The complainant stated at the time he had been drinking and was withdrawing from methadone. Two nurses stated the complainant was very intoxicated and in an altered mental state requiring psychiatric hospitalization. Both officers stated they provided their identification upon request. The complainant's nurse confirmed that the officers provided identification upon request.

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/09 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 1 of 2

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

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

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

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

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

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

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DATE OF COMPLAINT: 10/23/09 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers made inappropriate comments and acted in an inappropriate manner.

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

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

SUMMARY OF ALLEGATIONS #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/27/09 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer issued a citation due to bias.

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

FINDINGS OF FACT: The complainant stated that after boarding a bus through the rear exit, the officer asked him to get off the bus and cited him for fare evasion even though the complainant had a valid Transfer/Fare Receipt. The officer denied that the citation was issued due to bias. The officer stated that the complainant was cited because the complainant had entered the bus through the rear exit, a violation of San Francisco Traffic Code 127. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/09 **DATE OF COMPLETION:** 02/20/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant acknowledged he was stopped in a lane of traffic. The complainant said he was aware his registration was expired. The complainant said he inadvertently gave the officer an expired insurance card. The officer observed the complainant stopped in a bus and taxi only lane speaking to a male individual. The officer went around the block and returned to the same location to observe the complainant still in the same location talking to the same individual. Two vehicles were forced to drive around the complainant's vehicle to proceed through a green light at an intersection. The officer activated his emergency light and made a traffic stop. The complainant's vehicle registration and the insurance card were expired. The complainant located his current tabs attached to his motor vehicle documents, but could not locate his current insurance card. The named officer said there was no indication that the complainant's vehicle was disabled. The complainant pulled to the curb when the police emergency lights were activated and drove away at the conclusion of the enforcement stop. The witness officer corroborated the named officer's account of the vehicle code violations. 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 failed to properly process property.

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

FINDINGS OF FACT: The complainant said the female officer failed to return his expired insurance card for his vehicle. The officer said she did not come into contact with the complainant's documents during the traffic stop. She was the cover officer to her male partner. Her male partner made contact with the complainant and handled the complainant's documents and issued the citation. The named officer said she stood on the passenger side of the vehicle during the entire encounter and at no point touched any property of the complainant. The witness officer corroborated he handled the traffic stop and the documents of the complainant. He stated he returned the expired insurance card to the complainant in his hand and pointed out to him it was expired. The witness officer made a notation to this effect in the computer aided dispatch record. San Francisco Police Department records documented this account of the expired insurance card. The evidence proved the named member was not involved in the acts alleged.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/30/09 **DATE OF COMPLETION:** 02/20/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to provide her name and star number upon request.

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

FINDINGS OF FACT: The officer said the complainant did request her name and badge number. She pointed to her star and verbally announced her name and star number. She told the complainant he could write it down or she could have the citing officer note it on the citation for reference. The witness officer affirmed the complainant requested his name and star number, as well. He told the complainant he would place both name and star numbers on the citation. The complainant asked the witness officer to show him where he had written their names and star numbers. The citation issued to the complainant clearly shows the name and star numbers of both officers, as requested. 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 was biased toward the complainant due to his race.

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

FINDINGS OF FACT: The complainant said he was mistreated and racially profiled because of his race. The officer denied the allegations. The officer said she did not provoke or escalate the situation, nor did she display a threatening demeanor toward the complainant. The named officer said she did not tell the complainant he was going to jail. The officer pointed out the offenses she witnessed were citable infraction only. She also provided her name and star number, as requested. The witness officer corroborated the named officer's account of her demeanor during the traffic stop. He did not hear a confrontation between the complainant and the named officer. The witness officer stated he and the named officer issued citations based solely upon their violations of the vehicle code. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/28/09 **DATE OF COMPLETION:** 02/20/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was not speaking on the cellular phone while he was driving. The complainant stated he was stopped and was using the speaker feature on the cellular phone when he was talking on the cellular phone. The complainant admitted he was not using a hands-free device for the cellular phone. The witness, who was passenger in the complainant's vehicle, stated the complainant was talking on the speaker feature of the cellular phone. The witness stated the complainant held the cellular phone in his hand. The officer observed the complainant driving, holding the cellular phone to his ear and talking on the cellular phone. There were no obstructions blocking the officer's view of the complainant. The witness officer observed the violation. The officer issued the complainant a citation for violation of California Vehicle Code, 23123(a); a person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and used in that manner while driving. 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' behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated the first named officer made the remarks, "Do you know why, I was chasing you." and "You were using your cellular phone, while you were driving." The complainant told the officer he was stopped and was using the speaker feature of the cellular phone. The officer replied with "You are calling me a liar." The complainant stated the second named officer kept yelling, "Sign the ticket or go to jail." The complainant asked the officer why was he yelling, the officer replied with, "That's the way I talk." The witness stated she heard the second named officer yelling. The named officers denied the allegation. The named officers stated the complainant was upset, angry and was yelling through out the encounter. The complainant told the officers he was going to file a complaint and the officers told the complainant he had every right to do so. The named officers informed the complainant of the consequences of the refusal to sign the citation. The officers' statements and behavior do not rise to a level of sustainable misconduct. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/05/09 **DATE OF COMPLETION:** 02/20/10 **PAGE# 1 of 1**

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/09 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer had no probable cause to search her property. The investigation revealed that the officer searched the complainant's property pursuant to a valid search warrant issued by a judge of the San Francisco Superior Court. The officer's action was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/09 **DATE OF COMPLETION:** 02/11/10 **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 department records of police contact with the complainant, when coupled with the statements of the complainant, indicated that the detention was justified and not carried out improperly. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/02/09 **DATE OF COMPLETION:** 02/24/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: An anonymous complainant alleged that the officer unlawfully used a juvenile as an informant. SFPD policy does not prohibit the use of juvenile informants but requires written parental approval. The officer denied he has used a juvenile informant in his current police assignment. SFPD records indicated the officer has not used the alleged juvenile as an informant or that he has violated department policy with regard to the use of informants. The contact information for the alleged juvenile informant was not reliable. The evidence established that the officer did not violate existing policy regarding the use or management of informants.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/07/09 **DATE OF COMPLETION:** 02/25/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant received a citation for an expired permit, which was affixed to his bumper. The complainant alleged that the officer obliterated the permit with a pen and in so doing, damaged the bumper to his vehicle underneath. The complainant showed the OCC a cellular phone photograph of the alleged damage, but it was inconclusive. The officer denied the allegation, stating he attempted to remove the permit on the bumper with his fingers. The officer said the complainant went to his supervisor to complain about damage to his bumper, but offered to withdraw his complaint if the supervisor would rescind the citation regarding the expired permit. The expired permit was removed in the presence of the officer's supervisor. The officer stated he did not fill out a damage report, because there was no damage. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The named officer was a supervisor at the time of the incident. The complainant came to the station to make a complaint. The complainant alleged the officer failed to properly report the damage. The officer denied the allegation. He stated the complainant told him he had been cited for a revoked permit and when the initial officer tried to remove the revoked permit from his vehicle, he had damaged his bumper. The officer informed the complainant that if the officer damaged his bumper, he would report it. The officer stated the complainant told him if he would rescind the citation, he would forget about the officer damaging his bumper. The officer stated such action would be improper. The officer found no damage to the complainant's bumper. He stated he took photos of the complainant's bumper on his phone, but deleted the images. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/07/09 **DATE OF COMPLETION:** 02/20/10 **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 stated she was detained without justification. A witness reported seeing the complainant driving in an unsafe manner and acting in an irrational way, screaming at pedestrians. The witness believed the complainant presented an immediate danger to public safety and articulated this to the OCC investigator. The witness stated the individual did not act mentally stable and was sufficiently concerned to call 911. At least one other witness alerted the police to the complainant's erratic behavior. The officer received the witness' report from dispatch. The officer also observed some of the same or similar behavioral manifestations by the complainant witnessed by the reporting party. The officer believed, based on her observations, and the observations of witnesses, that the complainant presented a danger to herself and a danger to others. As a result, the officer properly detained the complainant on a W & I Sec. 5150 and transported her to a hospital for her safety and for the safety of others. 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 towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated the officer had her vehicle towed without justification. The OCC found the officer received a call from dispatch from a witness who saw the complainant driving in an unsafe manner. The witness called 911. The OCC contacted this witness. The witness told the OCC she observed the complainant's driving on a public street. She said the complainant's manner and method of driving a motor vehicle presented a direct danger to public safety. The officer consulted with two more experienced officers, including a supervisor, prior to having the car towed. California Vehicle Code (CVC) Section 22651 allows for the removal of a vehicle from the public way when a person charged with the vehicle becomes incapacitated. Per the CVC, the officer properly towed the vehicle and sought appropriate approval of the tow from her supervisor. The evidence proved that the acts which provided the basis for the allegations occurred; however such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/21/09 **DATE OF COMPLETION:** 02/20/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers harassed the complainant's son.

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

FINDINGS OF FACT: The complaint said she was not present when her adult probationer son was detained and transported to a police station nearby in order to take an additional DNA sample. The complainant stated that her son already gave the police a DNA sample, and she believed that an additional one constituted harassment. Neither the complainant nor a witness knew the officers' identity. The evidence established that the Sheriff's department took an initial DNA sample from the complainant's son as mandated by California Penal Code Section 296, and the complainant's son willingly provided an additional sample. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/09 **DATE OF COMPLETION:** 02/25/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officer did not respond to her complaint of homeless persons encamped in various locations near her neighborhood. The officer denied the allegation, stating he listened to the complainant, noted the addresses the complainant provided and followed up as requested. When he arrived at the locations provided, the officer stated there was no one at those locations. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer made an inappropriate remark.

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

FINDINGS OF FACT: The complainant alleged the officer said "Merry Christmas" in a rude tone of voice. The officer denied the allegation, stating he told her Merry Christmas because it was Christmas Eve. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint. The officer's comment does not rise to the level of sustainable misconduct.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/10 **DATE OF COMPLETION:** 02/03/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1:The officer harassed 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 #2: The officer failed to attend to assigned duties.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/10 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department conducts training at Pier 80 during which police vehicles utilize their sirens.

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

FINDINGS OF FACT: The complainant is complaining about the Department's policy of conducting training at Pier 80 during which police vehicles utilize their sirens. The action complained of does not violate Department regulations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/10 **DATE OF COMPLETION:** 02/26/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officers detained him without justification. The complainant admitted that he jaywalked. The officers stated they observed the complainant jaywalk and detained him for investigation of that offense. The evidence showed that the act alleged did occur. However, said act was proper and lawful as the complainant admitted that he jaywalked which provided the officers the probable cause to lawfully detain him.

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

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

FINDINGS OF FACT: The complainant stated the officer cited him for jaywalking. The complainant admitted that he jaywalked. The officer stated that she and her partner both observed the complainant jaywalk. The officer issued the complainant a citation for a violation of CVC 21955- Jaywalk. The evidence showed that the act alleged did occur, however, said act was proper and lawful.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/10 **DATE OF COMPLETION:** 02/26/10 **PAGE#** 2 of 3

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

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

FINDING OF FACT: The complainant stated he was handcuffed for no reason. The officer stated that the complaint was increasingly agitated, verbally abusive, fidgeting, and breathing heavily which made the officer uncomfortable so she placed the complainant in handcuffs. The witness officer did not recall the complainant being in handcuffs. There were no other identified witnesses to this incident. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDING OF FACT: The complainant said the officer violated his rights when she searched him and rifled through his pockets. The officer stated she only conducted a pat search of the complainant with negative results. The witness officer did not recall the complainant being searched. There were no other identified witnesses to the alleged search. There is insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/10 **DATE OF COMPLETION:** 02/26/10 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: The officer placed tight handcuffs on the complainant.

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

FINDING OF FACT: The complainant stated that when the officer placed the handcuffs on him they were too tight. The complainant stated there were no visible injuries from the placement of the tight handcuffs. The officer stated she handcuffed the complainant and double-checked the handcuffs for tightness. The witness officer did not recall the complainant being handcuffed. There were no other identified witnesses to this incident. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDING OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/26/10 **DATE OF COMPLETION:** 02/04/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complainant raises matters outside OCC's jurisdiction. A copy of this complaint has been personally delivered to the San Francisco Sheriff's Department.

San Francisco Sheriff's Department
Internal Affairs
25 Van Ness Avenue
San Francisco, CA 94102

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/10 **DATE OF COMPLETION:** 02/01/10 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: