

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/10 **DATE OF COMPLETION:** 07/10/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The evidence showed that as a result of the Department's investigation, the District Attorney's office is reviewing the case for charging and prosecution. The evidence showed that the officer's actions were proper pursuant to Department General Orders.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/29/10 **DATE OF COMPLETION:** 07/16/10 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the officers told her to leave the area. The witness stated the complainant was disruptive while in his store and inhibited customers from entering and leaving the store. The witness said the complainant protested in a nonpeaceful manner, scared his customers and yelled profanities in the doorway of his store. The witness stated the officers did nothing wrong. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/05/10 **DATE OF COMPLETION:** 07/19/10 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that he was seated in a restaurant with an acquaintance who displayed a flare gun. Shortly afterwards, police officers arrived and ordered the complainant and his companion to stand. The complainant's companion told the officers he had a flare gun in his pocket, and several of the officers led him outside. The named officer patted the complainant down then told him to stand. The named officer pushed the complainant's left hand behind his back and towards his shoulder, causing extreme pain. The complainant yelled that he had carpal tunnel syndrome and was in pain and the named officer increased the pressure on his hand.

The complainant provided the OCC with a color photograph of his left hand showing redness on the back of the hand, but could not provide evidence concerning when the photograph was taken. The complainant's cardiologist wrote that when he examined the complainant three days after this incident, the complainant had bruising to the back of his left hand, and reported experiencing severe pain in his forearms, wrists and hands.

The named officer stated that this did not involve twisting the complainant's wrist, but involved moving the complainant's left hand back with the elbow elevated. The evidence established that the named officer was justified in contacting and searching the complainant, who matched the description of the man with the gun, and was justified in using an SFPD approved wrist lock while conducting the search. The complainant claims the named officer did this after patting him down, which the named officer disputes. There is insufficient evidence to establish whether the named officer used more force than was reasonable in applying the wrist lock to the complainant, whether he increased pressure on the complainant's wrist after the complainant said he was in pain and suffered from a medical problem. There is also insufficient evidence to establish whether the named officer continued to use force after the gun had been located and secured. Therefore, there is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he saw the officer holding a cellular telephone to her right ear while driving a patrol car. The complainant alleged that if civilians receive citations for this behavior, officers should not be on the telephone while driving motor vehicles either. Section 23123(d) of the California Vehicle Code does not apply to an emergency services professional using a wireless telephone while operating an authorized emergency vehicle in the course and scope of his or her duties. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-4:The officers exhibited rude behavior.

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

FINDINGS OF FACT: The complainant stated the officers were rude, sarcastic, and aggressive. The officers did not show concern that she and her friend had no money to get home and would not provide a ride for them. The complainant stated that at one point they were asked if they wanted to be taken to jail and were told to move out of the way or be hit. The officers denied the allegation. The complainant's friend did not wish to be involved in the OCC investigation. A witness corroborated the officers' statement that the complainant and friend were belligerent and intoxicated and that the officers were not being mean to the females while present. There are no rules requiring officers to give people rides home because they don't have money. However, there was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5-6: The officers failed to provide name and badge numbers upon request.

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

FINDINGS OF FACT: The complainant stated she asked the officers for their name's and badge numbers but the complainant said the officers refused to provide the requested information. The officers denied the allegation. The complainant's friend did not wish to be involved in the OCC investigation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 04/26/10 **DATE OF COMPLETION:** 07/29/10 **PAGE#**1 of 2

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

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

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

SUMMARY OF ALLEGATION #2: The officer demonstrated biased policing due to sexual orientation.

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

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

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DATE OF COMPLAINT: 04/26/10 **DATE OF COMPLETION:** 07/29/10 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: The officer demonstrated inappropriate behavior.

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

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

SUMMARY OF ALLEGATION #:

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/26/10 **DATE OF COMPLETION:** 07/16/10 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 14, 2010.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 14, 2010.

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DATE OF COMPLAINT: 04/29/10 **DATE OF COMPLETION:** 07/19/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer detained and cited him at the San Francisco Airport on multiple occasions without cause. The complainant provided the OCC with copies of the citations he had been issued by the named officer or by Ground Transportation Unit officers summoned by the named officer, all of which involved violations for operating a limousine at the airport without a valid permit. Airport records establish that the complainant's permit to operate a limousine at the airport had been suspended. The complainant told OCC that he did not have a valid permit required to pick up or drop off passengers at the airport, and admitted picking up or dropping off passengers ten times during the month he was issued citations by the named officer. The complainant stated that on three of the occasions he was stopped and cited by the named officer he was at the airport in his limousine but was not working. The evidence established that the complainant illegally operated his limousine at the airport on multiple occasions and that the named officer was justified in stopping and citing him for this continuing violation. The evidence established that the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer harassed him by detaining and citing him at the San Francisco Airport on multiple occasions. The complainant provided the OCC with copies of the citations he had been issued by the named officer or by Ground Transportation Unit officers summoned by the named officer, all of which involved violations for operating a limousine at the airport without a valid permit. Airport records establish that the complainant's permit to operate a limousine at the airport had been suspended. The complainant told OCC that he did not have a valid permit required to pick up or drop off passengers at the airport, and admitted picking up or dropping off passengers ten times during the month he was issued citations by the named officer. The complainant stated that on three of the occasions he was stopped and cited by the named officer he was at the airport in his limousine but was not working. The evidence established that the complainant illegally operated his limousine at the airport on multiple occasions and that the named officer's actions occurred in response to continuing violations by the complainant and did not constitute harassment.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/03/10 **DATE OF COMPLETION:** 07/29/10 **PAGE #1** of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/03/10 **DATE OF COMPLETION:** 07/14/10 **PAGE #1 of 1**

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

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

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

SUMMARY OF ALLEGATION #2: The officer demonstrated an inappropriate manner and made inappropriate statements.

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

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

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 21, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said her letter to the chief was not a complaint but an expression of the belief by the San Francisco Apartment Association. The complainant further stated that any tracking of her correspondence to the Chief of Police as a formal complaint should be withdrawn.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/13/10 **DATE OF COMPLETION:** 07/09/10 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 22, 2010.

SUMMARY OF ALLEGATION #2-3: The officer failed to take the required action.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 22, 2010.

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DATE OF COMPLAINT: 05/08/10 **DATE OF COMPLETION:** 07/14/10 **PAGE#** 1 of 2

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

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

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

SUMMARY OF ALLEGATION #2: Unnecessary force used during a police contact.

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/08/10 **DATE OF COMPLETION:** 07/14/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: Detention without justification.

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

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

SUMMARY OF ALLEGATION #4: Search of a person without cause.

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/27/10 **DATE OF COMPLETION:** 07/20/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he went to the police station to report a hate crime and spoke with the named officer, but that he could not recall the details of this interaction. The complainant stated that he returned to the police station several days later, spoke to the same officer and said he now had details and data and wanted to file criminal charges. The complainant refused to provide the OCC with any information concerning the crime he was attempting to report. The complainant stated that the named officer refused to take a report and refused to speak with him. The named officer stated that he spoke to the complainant at the counter of the police station on two separate occasions about the auctioning of the complainant's car after it had been towed and unclaimed. The named officer stated that he and other officers the complainant spoke with told the complainant that this was not a criminal matter. The named officer stated that on one of the days when he spoke to the complainant, the complainant had gone to the auctioneers office that day and caused a commotion requiring a police response.

Communications records establish that police responded to the auctioneers office on three occasions involving the complainant. An officer who responded to auctioneers business stated that the complainant told him that the business was illegally auctioning his towed vehicle and that the complainant's doctor committed a crime when he lied to the DMV, causing the complainant's driver license to be suspended. This officer explained to the complainant how he could protest the tow and file a claim with the business.

The complainant never told this officer that he had been the victim of a crime. Another officer who responded to the business on a different occasion stated that the complainant was causing a disturbance there about his car, which had been towed and never claimed and which was being auctioned off that day. The complainant wanted the police to stop the auction and was informed they could not do so. This officer stated the complainant was screaming the entire time and was rude and belligerent.

During a follow-up interview with the OCC, the complainant confirmed that the crime he sought to report with the named officer concerned the auctioning of his car, the false statement made by his doctor to DMV and the abusive conduct of DMV employees, which he considered to be hate crimes. The evidence established that the complainant did not report a crime to the named officer and that therefore, the named officer was not required to take a report or investigate further. The evidence also established that the complainant had previously spoken with the named officer and with other officers from that station about this issue and had been told it was not a criminal matter. Therefore, the named officer was not required to discuss the matter further with the complainant. The evidence proved that the actions complained of were proper.

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

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

FINDINGS OF FACT: The complainant stated that the named officer made an inappropriate comment about the complainant's use of a particular word. The named officer denied the allegation. There were no witnesses to the interaction. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer 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 complainant acknowledged that she was on probation at the time and had a search condition. The evidence established that the named officer conducted a probation search of the complainant's home and that the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant stated that while she was seated in her living room, the named officer told her that he would search her home every day if he chose to. The named officer denied making this statement and said he told the complainant that officers were searching her home because she had agreed to a search condition as a condition of her probation. The named officer said he never told the complainant he would be searching her home in the future. A witness officer who was in physical proximity to the complainant said she heard the named officer politely explain to the complainant that her agreement to serve probation rather than jail time included a search condition which allows law enforcement officers to search her and her home without probable cause. This witness said she did not hear the named officer say he would search the complainant's home every day if he chose. Another officer who was upstairs stated he was not in listening distance of the complainant and the named officer. One officer who searched the upstairs area and the living room and another officer who searched the upstairs area stated that they did not recall any verbal interaction between the complainant and the named officer. No other witnesses were present. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 08/12/09 **DATE OF COMPLETION:** 07/16/10 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 13, 2010.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 13, 2010.

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DATE OF COMPLAINT: 06/11/10 **DATE OF COMPLETION:** 07/23/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers failed to investigate a call of shots fired. Department records, support the named officers accounts that several calls were received by dispatch stating that shots were fired, but named different locations the shots were fired from, provided suspect and vehicle information, the vehicle escape path, and that no party wanted to meet with the officers that evening. The complainant stated she did not request that the officers meet with her during the call to dispatch. All officers stated they responded to the different locations and searched those areas, and looked for witnesses, suspects, damage and victims but were unable to locate the suspect or their vehicle and no witnesses were identified to meet with that night. Department records corroborated that the officers arrived at the different locations, and conducted searches of those areas. Department records further indicate that the reportee / complainant requested "No 909, no interview with citizen". There is no evidence to refute the officers assertions or that the officers acted improperly.

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

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

FINDINGS OF FACT: The evidence proved that the officer was not involved in the act alleged.

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DATE OF COMPLAINT: 06/30/10 **DATE OF COMPLETION:** 07/08/10 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated he gave verbal consent to the officer to search his vehicle after the officer reported that someone was trying to open the sliding door of his van to steal a bicycle inside. The officer also told the complainant that three detained Latinos were by his van and might have dropped narcotics inside his vehicle when the officers approached them.

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant withdrew the allegation.

SUMMARY OF ALLEGATION: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant withdrew the allegation.

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

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

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

San Francisco Housing Authority
1815 Egbert Avenue
San Francisco, CA 94124
Telephone No. (415) 715-3280

SUMMARY OF ALLEGATION #:

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

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SUMMARY OF ALLEGATION #1: The officer made a threatening and inappropriate comment.

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

FINDINGS OF FACT: The complainant alleged that the officer made an inappropriate comment. All evidence collected by the OCC showed that the officer was not working on the day the complainant alleged the incident occurred. Department personnel, payroll and station records show the officer was not working on the date alleged or on the days immediately prior to when the incident allegedly occurred. The complainant did not provide any contact information other than a telephone number that was incorrect. Records searches were completed by OCC to determine the complainant's true address and phone numbers but none were found. Based on the information provided and collected, the evidence showed that the named member was not involved. There was no viable contact information found for the complainant.

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:** 07/16/10 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/21/10 **DATE OF COMPLETION:** 07/23/10 **PAGE #1** of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 07/23/10 **DATE OF COMPLETION:** 07/29/10 **PAGE #1** of 1

SUMMARY OF ALLEGATION #: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded to Seller of Travel Registration Unit, 300 South Spring Street, Los Angeles, CA 90013.

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded to Seller of Travel Registration Unit, 300 South Spring Street, Los Angeles, CA 90013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/26/10 **DATE OF COMPLETION:** 07/28/10 **PAGE #**1of 1

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

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

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

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Ave. #350
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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/09 **DATE OF COMPLETION:** 07/08/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer “tackled” her, causing injury. The complainant was unable to provide medical records to support the claim of injury. the complainant gave a description of the officer, but the investigation was unable to identify him. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/09 **DATE OF COMPLETION:** 07/16/10 **PAGE #**1 of 8

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity during their interaction. The named member denied the allegation. The witness, who according to the complainant and the named member was present during parts of the incident, told the OCC that he did not witness this contact. The second witness stated that he was present at the scene during only a brief period of time and did not hear the named member say anything to the complainant. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer yelled at him and made inappropriate comments during the incident. The named member denied the allegation. The statements from three other officers and three civilian witnesses were inconclusive. No other witnesses came forward. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/09 **DATE OF COMPLETION:** 07/16/10 **PAGE #2** of 8

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

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

FINDINGS OF FACT: The OCC investigation established that there was insufficient evidence to either prove or disprove that the officer issued an invalid order.

SUMMARY OF ALLEGATION #4: The officer displayed a weapon without justification.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/09 **DATE OF COMPLETION:** 07/16/10 **PAGE #3 of 8**

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 hit with his fist the side view mirrors of the complainant's truck breaking the glass in one of them and damaging the mirror's holder. The named member stated that he merely pushed the collapsible side view mirrors of the complainant's truck during the incident, which caused one of the glasses to fall and break. However, according to the officer, the damage was accidental and not intentional. There were no other witnesses to this part of the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer, with whom he had a confrontation shortly prior, detained him on the street for no apparent reason. The named member stated that he indeed briefly detained the complainant because the complainant had left his truck double-parked with the engine running in violation of the Vehicle Code. There were no identifiable witnesses to this part of the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 07/27/09 **DATE OF COMPLETION:** 07/16/10 **PAGE #**4 of 8

SUMMARY OF ALLEGATION #7: The officer requested the complainant's identification and vehicle registration without justification.

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

FINDINGS OF FACT: The complainant stated that the officer, with whom the complainant had a confrontation shortly prior, requested his identification and vehicle registration for no apparent reason. The named member stated that he indeed asked this documentation because the complainant left his truck double-parked with the engine running. There were no identifiable witnesses to this part of the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer misused the computer/CLETS.

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

FINDINGS OF FACT: The complainant stated that the officer queried his name over the radio without any legitimate reason. The named member stated that he queried the complainant's name because he was investigating the complainant's traffic violations and needed to ascertain his identity and verify the complainant's warrant information. According to the officer, he later also checked the complainant's name via the law-enforcement computer systems because he needed this information for his report regarding the incident. The available evidence was insufficient to determine whether, in fact, the complainant had committed any traffic violations to justify the officer's queries. The available evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/09 **DATE OF COMPLETION:** 07/16/10 **PAGE #**5 of 8

OCC ADDED ALLEGATIONS:

SUMMARY OF ALLEGATION #1: The officer failed to take required actions, i.e. to document damage to personal property as required by the relevant Department policy.

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

FINDINGS OF FACT: In the course of its investigation, the OCC found out that the named member, in fact, wrote a memorandum documenting the damage he caused to the complainant's property. The evidence showed that the acts that provided the basis for the allegation indeed occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that he told the responding officer about a man in civilian clothes (an off-duty SFPD officer), who had vandalized the complainant's truck, but the officer did not take any action to investigate this report or to locate the perpetrator. The complainant's manager provided the OCC with the photographs clearly showing the damage to the complainant's truck. The named member stated that the complainant never told him about someone vandalizing his vehicle and he did not see the damage to the vehicle himself. Two witness officers and the building security guard stated that they were too far from the named member at the time and they did not hear his conversation with the complainant. All three witnesses also stated that they did not see any damage to the vehicle at the time. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 07/27/09 **DATE OF COMPLETION:** 07/16/10 **PAGE #**6 of 8

SUMMARY OF ALLEGATION #3: The officer failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated that he told the officer about a man in civilian clothes (an off-duty SFPD officer) who damaged his truck but the officer never documented the alleged crime in an incident report. The complainant's manager provided the OCC with the photographs clearly showing the damage to the vehicle. The off-duty officer later acknowledged damaging one of the side view mirrors of the complainant's truck during their encounter. The named officer stated that the complainant never told him about someone vandalizing his vehicle and never requested a report. Two witness officers and the building security guard stated that they were too far from the named member at the time and they did not hear his conversation with the complainant. All three witnesses also stated that they did not see any damage to the vehicle at the time. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: In the course of the investigation of the initial complaint, the OCC learned that the named member handled this run only as a "trespassing" incident and indicated in the CAD that "no further police actions were requested." However, according to the complainant, he told the named member about a man in civilian clothes (an off-duty SFPD officer) damaging his truck. The complainant's manager provided the OCC with the photographs clearly showing the said damage. The off-duty officer later acknowledged damaging one of the side view mirrors of the complainant's truck during their encounter. The named member stated that, at the time, the complainant never told him about someone vandalizing his vehicle and never requested any additional police actions. Two witness officers and the building security guard stated that they were too far from the named member at the time and they did not hear his conversation with the complainant. All three witnesses also stated that they did not see any damage to the vehicle at the time. The available evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 07/27/09 **DATE OF COMPLETION:** 07/16/10 **PAGE #**7 of 8

SUMMARY OF ALLEGATION #5: The officer failed to comply with the Department General Order 5.08.

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

FINDINGS OF FACT: In the course of its investigation of the initial civilian complaint, the OCC learned that the officer took law-enforcement actions, while off-duty, wearing only civilian clothes and having no SFPD star. The officer claimed that he did not violate any Department policy while taking the above actions. The OCC found that the Department policy concerning non-uniformed officers was limited in scope and the circumstances of this incident, as well as the officer's actions were not sufficiently covered by its provisions. The OCC will recommend that the DGO 5.08 be revised.

SUMMARY OF ALLEGATION #6: The officer provided inaccurate information about the OCC to the public.

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

FINDINGS OF FACT: In the course of its investigation of the underlying civilian complaint, the OCC found that the officer told several members of the public that the OCC did not have subpoena power and could not compel production of records and/or testimonies. The named member stated that he based this opinion on his knowledge of the law and his conversation with other SFPD members. The OCC's authority to issue subpoenas for records and testimonies is codified in Section 96.6 of the San Francisco Administrative Code. In his subsequent OCC interview, the named member acknowledged that at the time he was telling the individuals about the OCC having not subpoena power, he was unaware of this Administrative Code Section. 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/09 **DATE OF COMPLETION:** 07/16/10 **PAGE #**8 of 8

SUMMARY OF ALLEGATION #7: The officer acted in an inappropriate manner.

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

FINDINGS OF FACT: In the course of its investigation of the initial civilian complaint, the named member told the OCC that he spoke with several witnesses in this investigation about the underlying incident, complaint and about the OCC lacking “subpoena power,” while being aware of the ongoing OCC investigation regarding this matter. The officer claimed that he never told the witnesses “not to cooperate with the OCC,” but acknowledged saying to them that they were “not required” to provide statements to the OCC and that the OCC “had no subpoena power” over them or their records. Based on totality of the circumstances, the officer’s conduct was inappropriate. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/05/09 **DATE OF COMPLETION:** 07/19/10 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant, a domestic violence victim, called a station and requested through her Cantonese interpreter a civil standby to retrieve her property from her husband's residence. Upon meeting the complainant on scene, the officer requested a bilingual Cantonese officer. After waiting ten minutes, the officer used a language line interpreter to explain to the complainant that her Emergency Protective Order did not permit her to enter the husband's residence to obtain her property. The complainant's mother-in-law placed the complainant's property on the sidewalk. The officer stated that upon the complainant's request, he called a cab. When the taxicab arrived, the officer told the driver to help load the complainant's personal property into the cab. The officer reportedly told the complainant and taxicab driver to call him if there were any problems; the officer left the scene for another call. The complainant stated that after the officer left, she felt scared because of her mother-in-law and brother-in-law's presence; additionally she reported that other people were taking her belongings that her mother-in-law had placed on the sidewalk.

While Department General Order 6.09 requires officers to "provide a police standby for a victim removing personal property and/or assistance in safe passage out of the victim's residence" it does not state how long an officer should remain on scene. Because of the potential volatility of civil standby that is compounded by language barriers, the OCC recommends that the Department develop a more detailed civil standby protocol.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/09 **DATE OF COMPLETION:** 07/23/10 **PAGE#** 1 of 5

SUMMARY OF ALLEGATION # 1: The officer handcuffed the co-complainant without justification.

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

FINDINGS OF FACT: The complainant said the co-complainant was handcuffed because he objected to the complainant being handcuffed, but she had no recollection of what happened at the time of this occurrence. The co-complainant said he was on the phone calling the police when the officer arrived, told him he was under arrest, and ordered him to place his hands behind his back without justification. The officer said the co-complainant was reported being violent with the security guard when he was escorted out of a business. The officer also stated the co-complainant ignored her verbal commands, demonstrated impaired judgment in public, and pointed his right hand to the guard's face, which warranted the co-complainant being handcuffed. Video footage from the establishment confirmed the co-complainant's behavior including his combative behavior in the officer's presence. The officer's actions were lawful and proper under the circumstances.

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

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

FINDINGS OF FACT: The complainant stated the co-complainant was detained without justification because the co-complainant objected to the complainant being handcuffed, but she had no recollection of what happened at the time of this occurrence. The complainant said the officer detained him without justification while he was on the phone calling the police. The officer stated the co-complainant ignored her verbal commands to get off his phone, demonstrated impaired judgment in public, and repeated his combative behavior toward a security guard, which warranted the detention of the co-complainant per 647(f) P.C. Video footage from the establishment confirmed the co-complainant's combative behavior in the officer's presence. Another officer confirmed the co-complainant's impaired judgment during his transport and booking. The officer's actions were lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/17/09 **DATE OF COMPLETION:** 07/23/10 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant stated that she had no recollection of what happened after she fell to the ground due to a punch from a security guard. A preponderance of the evidence from video footage and statements from other witnesses established that the complainant was intoxicated and fell to the ground during her assault by a security guard after both complainants had been escorted out of the business. Medical records showed the complainant is a diabetic who was under the influence of alcohol. The officer said the complainant was screaming uncontrollably to the point it impeded her from hearing other people so the officer handcuffed her in order to bring the situation under control. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #4: The officer used excessive force during the detention.

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

FINDINGS OF FACT: The complainant stated she could not recall anything after she fell to the ground due to a punch from a security guard, but according to the co-complainant the officer struck the complainant with her baton once on her right triceps after she was already handcuffed. The co-complainant said he did not see any officer strike the complainant. Video footage from the Taqueria established by clear and convincing evidence that the act alleged in the complaint did not occur.

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DATE OF COMPLAINT: 08/17/09 **DATE OF COMPLETION:** 07/23/10 **PAGE#** 3 of 5

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

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

FINDINGS OF FACT: The complainant alleged that the officer made a racially derogatory comment to her. The officer denied the allegation. Other witnesses at the scene either denied the allegation or could not verify or deny the allegation. Video footage was inconclusive and bystanders were not identified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant stated that the detaining officer did not issue her any document during her detention or at the time she was released to paramedics. The co-complainant was not present during the complainant's release to the San Francisco Fire Department Paramedics. The officer admitted handcuffing the complainant pursuant to a 647(f) P.C. detention, and acknowledged that she failed to issue the complainant a Certificate of Release upon her release to the San Francisco Fire Department Paramedics due to a medical condition that warranted prompt medical evaluation. The evidence established that the officer did not issue the complainant a Certificate of Release as required by D.G.O.5.03.

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DATE OF COMPLAINT: 08/17/09 **DATE OF COMPLETION:** 07/23/10 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #7: The officer conducted racially biased policing due to national origin.

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

FINDINGS OF FACT: The officer denied the allegation, denied knowing the complainant or her national origin prior to her detention, and stated that the complainant was initially detained pursuant to 647(f) P.C. during her response to a call of a fight. A witness denied the officer made disparaging remarks about the complainant based on her nationality despite being aware of the complainant's allegations of disparaging treatment. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with D.G.O. 5.18

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

FINDINGS OF FACT: The complainant said she and the co-complainant alerted officers during and after her detention of her special medical conditions. DGO 5.18 requires officers to take a prisoner from the scene of their arrest or detention to a medical facility as soon as practicable, place restrained prisoners in a sitting position as soon as their conduct allows it, and in the case of the complainant who deserved special attention and handling to obtain medical evaluation by a physician at a medical facility because she was exhibiting loss of consciousness or extreme alcohol intoxication. The evidence established the officer complied with the DGO by giving priority to the complainant's medical needs over her public intoxication detention, and caused her to be transported in an ambulance to San Francisco General Hospital. The officer's actions were lawful and proper.

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DATE OF COMPLAINT: 08/17/09 **DATE OF COMPLETION:** 07/23/10 **PAGE#** 5 of 5

SUMMARY OF OCC ADDED ALLEGATIONS #2-3: The officers failed to write an incident report.

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

FINDINGS OF FACT: The officers used physical controls to take the complainant to a prone position on the sidewalk in order to restrain her, but denied seeing any visible injury or hearing a complaint of pain from her while they handcuffed her or while in their custody. The complainant sustained multiple bruises to her extremities. Video evidence from this incident revealed the complainant assaulted a security guard prior to the officers' arrival and fell to the ground with the co-complainant on top of her. The video footage did not show any officer using force that would reasonably lead to the multiple bruises documented in this case, but due to the lack of audio the evidence is inconclusive as to a complaint of pain. General Order 5.01 requires officers to immediately report the use of physical control that results in injury or a complaint of pain. The officers and other witnesses at the scene also denied the complainants reported that the security guard had punched the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/09 **DATE OF COMPLETION:** 07/03/10 **PAGE #** 1 of 3

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

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

FINDINGS OF FACT: The complainant admitted to playing her music on her boom box at 10:28 pm. The officer stated he was conducting quality of life enforcement and could hear the music from 50 feet away so he admonished the complainant. The complainant acknowledged that she was playing her music loudly. The officer had the authority to detain in order to investigate per DGO 5.03 Investigative Detentions.

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

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

FINDINGS OF FACT: The complainant stated she was arrested for no reason. The officer stated that his first contact with complainant was to admonish her about a noise complaint. The second time the officer engaged the complainant he stated he was ready to cite the complainant because the music seemed louder, however, as he spoke with the complainant she made it clear that she had another radio at home and would go get it to keep playing her music. The officer stated he realized that the offense would continue so he decided to conduct a custodial arrest for violation of penal code section 415 (2). The complainant did not mention in her interview that she would bring out her other radio and she was not asked. The complainant no longer lives at address provided or contact information. There were no witnesses. The other officers arrived when the named member had already decided to arrest.

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DATE OF COMPLAINT: 08/18/09 **DATE OF COMPLETION:** 07/03/10 **PAGE #** 2 of 3

SUMMARY OF ALLEGATION #3: The complainant was searched without cause.

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

FINDINGS OF FACT: The complainant stated she was searched a total of five times but could not identify the officers. The officers did not recall who conducted the searches. A female officer stated that it is possible she did the transport search but did not recall when. The officers stated they can do a pat search for weapons, a search prior to transport, and a search at the station for booking. The complainant also included the searches at the jail, which is not within OCC jurisdiction. 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 seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated her radio was seized and not returned. The officer said that he seized the radio as evidence to the violation of section 415 (2) of the California penal code. The SFPD property control records document that the property was released to the complainant. The property was processed according to DGO 6.15.

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DATE OF COMPLAINT: 08/18/09 **DATE OF COMPLETION:** 07/03/10 **PAGE #** 3 of 3

SUMMARY OF ALLEGATION # 5: The officers exhibited inappropriate behavior and comments.

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

FINDINGS OF FACT: The complainant stated the officers were calling her “man” and laughing at her. The officers denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/01/09 **DATE OF COMPLETION:** 07/29/10 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: This complaint did not involve a San Francisco Police Officer. The complaint was referred to DEM (Department of Emergency Management):

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

SUMMARY OF ALLEGATION #2: The officer harassed the complainants and made inappropriate comments.

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

FINDINGS OF FACT: This complaint did not involve a San Francisco Police Officer. The complaint was referred to DEM (Department of Emergency Management):

DEM (Department of Emergency management)
1011 Turk Street
San Francisco, CA 94102

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DATE OF COMPLAINT: 09/01/09 **DATE OF COMPLETION:** 07/29/10 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #3: The officer failed to make an arrest.

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

FINDINGS OF FACT: The male complainants stated they were in a physical altercation with a man who stated he was a police officer and the officer on scene failed to make an arrest. The officer denied the allegation. No independent witnesses came forward during the investigation. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/13/10 **DATE OF COMPLETION:** 07/30/10 **PAGE#** 1 of 3

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

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

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

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

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

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

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DATE OF COMPLAINT: 01/13/10 **DATE OF COMPLETION:** 07/30/10 **PAGE#** 2 of 3

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

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

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

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

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

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/10 **DATE OF COMPLETION:** 07/30/10 **PAGE#** 3 of 3

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 09/18/09 **DATE OF COMPLETION:** 07/03/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer called him “sweetie”. The officer did not recall calling the complainant “sweetie”. A witness stated she heard the officer call the complainant sweetie but she did not hear the officer make any inappropriate comments. No other witnesses came forward. The allegation does not rise to the level of sustainable misconduct.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 09/18/09 **DATE OF COMPLETION:** 07/03/10 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #3: The officer exhibited sexually derogatory behavior.

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

FINDINGS OF FACT: The complainant stated the officer gestured with her finger and stated, “you are this fucking big” referring to the complainant genitals. The officer denied making the gesture or comment. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 09/21/09 **DATE OF COMPLETION:** 07/08/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to follow proper procedure for compliance with DGO 6.09 – enforcing an invalid restraining order.

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

FINDINGS OF FACT: The complainant stated that the named officer enforced a restraining order that had been vacated by a judge, but that the officer did not show him the order. The named officer stated that the complainant's wife did show him court papers detailing visitation and custody issues and he did tell the complainant he was in apparent violation of a court order, but the officer did not recall exactly what papers were shown to him. Three witness officers said they did not recall seeing court papers. One witness stated that she showed papers to officers and believed that those papers reflected a valid custody and visitation order, but could not recall what order she showed the officers. One witness stated that he heard an officer refer to a court order but did not see the exchange between officers and the complainant. Court records indicated that a valid visitation and custody order was in place at the time of the incident. There was insufficient evidence to establish what papers were shown to the officer or to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer acknowledged talking to the complainant but denied issuing an invalid order. Three witness officers said they did not hear or did not recall the alleged order. One witness stated he heard an officer refer to a court order but did not see the exchange. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/23/09 **DATE OF COMPLETION:** 07/29/10 **PAGE # 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated the named officer issued him a citation for battery on a police officer and resisting arrest, but denied putting his hands on the named officer and felt the citation was issued without justification. The named officer stated the complainant pointed a ballpoint pen within one foot from his eye and when he walked away from the complainant, the complainant followed him and grabbed his jacket. Witness officers corroborated the named officer's statement. No independent witnesses came forward during the investigation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the named officer detained him without justification. The named officer said he arrived on scene to investigate a pay dispute between the complainant and another party. The named officer stated that during the investigation he detained the complainant because the complainant became agitated, angry, pointed a ballpoint pen at him, and grabbed his jacket. Witness officers corroborated the named officer's statement. No independent witnesses came forward during the investigation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 09/23/09 **DATE OF COMPLETION:** 07/29/10 **PAGE # 2 of 3**

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

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

FINDINGS OF FACT: The complainant stated the named officer forcefully grabbed him while placing him in handcuffs. The named officer denied using any unnecessary force during this incident. Witness officers stated the named officer did not use any unnecessary force on the complainant during this incident. No independent witnesses came forward during the investigation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer threatened the complainant and acted inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer yelled at him and told him he would take him to jail if he did not sign the citation. The named officer admitted he raised his voice to the complainant because he felt threatened by the complainant's gestures. The named officer denied threatening the complainant regarding being taken to jail, but did advise the complainant that if he refused to sign the citation he would be taken into custody. Witness officers heard the named officer raise his voice when he told the complainant to take the pen out of his face. No independent witnesses came forward during the investigation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 09/23/09 **DATE OF COMPLETION:** 07/29/10 **PAGE # 3 of 3**

SUMMARY OF ALLEGATION #5: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant stated his English language skills are poor and the officer did not offer him a translator. The named officer stated he was able to understand the complainant and the complainant never asked for a translator. Witness officers stated the complainant was able to communicate in the English language. One witness officer stated there was no language issue but that the complainant was upset because he was not getting what he wanted. No independent witnesses came forward during the investigation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 07/30/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers made an arrest without cause.

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

FINDINGS OF FACT: The complainant alleged the officers had no reason to stop or arrest the party the complainant was traveling with. The officer, who stopped the vehicle, stated that he saw the vehicle traveling the wrong way on a one-way street. After he pulled the vehicle over and the driver exited the vehicle, the officer noticed the driver appeared to be under the influence of alcohol. Other individuals traveling with the driver attacked the officer while the officer was administering field sobriety tests to the driver. The driver attempted to flee but the officer caught him. The driver and the person who committed the assault upon the officer were arrested. An independent witness provided the same version of facts as described by the officer. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officers were unjustified in using force. One officer said other individuals traveling with the driver attacked the officer while the officer was administering field sobriety tests to the driver. A struggle ensued and other officers subsequently arrived to assist. The driver attempted to flee but the officer caught him. The driver and the person who committed the assault upon the officer were arrested. An independent witness provided the same version of facts as described by the officer. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 09/28/09 **DATE OF COMPLETION:** 07/30/10 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officer stopped a suspect for a traffic infraction. Department policy mandated the officer to enter the applicable information obtained from this traffic stop into the appropriate computer database. However, the officer failed to do this. The officer indicated another party drove the vehicle away after parties, associated with the suspect, assaulted the officer. Therefore, the officer could not obtain the license plate information, which was a necessary component of data entry. A Department Subject Matter Expert, however, said the license plate information was not necessary. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/05/09 **DATE OF COMPLETION:** 07/19/10 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The complainant's property was mishandled.

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

FINDINGS OF FACT: The complainant's cell phone was seized and he was given a property receipt. When he was released, his phone was withheld. The investigation disclosed that the phone was given to Homicide inspectors, who are currently obtaining a search warrant to search the phone in connection with an ongoing case in which the complainant is a person of interest. The complainant was advised of his right to file a monetary claim for the phone. The Department's action was lawful and proper.

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

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

FINDINGS OF FACT: The officer stated the complainant was on active felony probation and had been seen a few days earlier in a drug transaction. The officer and several other officers lawfully detained the complainant.

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DATE OF COMPLAINT: 10/05/09 **DATE OF COMPLETION:** 07/19/10 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The officer arrested the complainant after having seen him in a drug transaction two days earlier, in which the buyer identified him. The officer had probable cause to arrest the complainant.

SUMMARY OF ALLEGATION #4: The officer displayed his firearm without justification.

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

FINDINGS OF FACT: The complainant was on active felony probation for a gun violation. A CRI told the officer the complainant was waiting in the park for a gun delivery. The officer's conduct was proper.

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SUMMARY OF ALLEGATION #5: The officer used profanity.

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

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

SUMMARY OF ALLEGATION #6: The officer acted in a threatening and inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the officer crumpled his cigarettes and shoved one into his mouth. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

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

FINDINGS OF FACT: The complaint stated that he was intoxicated but could care for himself. The named member stated that the complainant appeared intoxicated and acted belligerently. The complainant's girlfriend did not respond to the OCC's requests for an interview. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force and that he sustained an injury. The officer stated during his OCC interview that he used an Academy approved take down; due to the complainants belligerent and intoxicated state. The officer stated that the complainant did not have any visible bruises or injuries and did not voice a complaint of pain. The complainant has not followed up with the OCC on submitting any documentation that he was either injured or sought medical attention. Witnesses have not replied to OCC requests to be interviewed. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

FINDINGS OF FACT: The complaint stated that the officer acted inappropriately towards his friend and made a disparaging comment towards the complainant. The named member denied the allegation. The complainant failed to identify and/or provide contact information for the said friend. The complainant's girlfriend, who was allegedly also present at the scene, did not respond to the OCC's requests for an interview. There were no other identifiable witnesses to the occurrence. The available evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant's allegation is that the officer failed to provide medical attention. The officer stated during his OCC interview that he used an Academy approved take down; due to the complainants belligerent and intoxicated state. The officer stated that the complainant did not have any visible bruises or injuries and did not voice a complaint of pain. The complainant has not followed up with OCC on submitting any documentation that he was either injured or sought medical attention. Witnesses have not replied to OCC requests to be interviewed. The complainant was booked at the County Jail and there is no indication on the Public Intoxication Report that he required medical attention. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/21/09 **DATE OF COMPLETION:** 07/16/10 **PAGE#** 1 of 3

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 the officer detained him without justification. The complainant said the officer performed a traffic stop of his vehicle for no reason. The complainant said the officer stopped his car for running a stop sign. The complainant denied running the stop sign. The OCC contacted the witness but he refused to come forward. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer engaged in racially biased policing.

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

FINDINGS OF FACT: The complainant stated the officer saw him in the area prior to performing a traffic stop on his vehicle. The complainant said he was running errands with a friend earlier in the day. The stop took place late at night. The complainant stated he had seen the officer earlier in the day. During the traffic stop he said the officer looked inside his car, observed sports equipment and said the officer told him he had been out all day. The complainant took this to mean the officer was engaging in racially biased policing. The OCC contacted the witness but he refused to come forward. The officer denied the allegation. The officer stated he had seen the complainant's vehicle driving back and forth during the normal course of his patrol duties in the area. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 10/21/09 **DATE OF COMPLETION:** 07/16/10 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer used unnecessary force, causing injury to the complainant.

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

FINDINGS OF FACT: The complainant stated when the officer arrested him and took him into custody, he led or pushed him around by twisting his left index finger, breaking it. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The complainant stated the officer towed his car without justification.

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

FINDINGS OF FACT: The complainant stated the officer towed his car without justification. The complainant admitted to the OCC that his license was suspended. The officer performed computer research and learned the complainant's license was suspended and that he was wanted on a warrant. Per Department policy, the officer was required to arrest the driver and tow his vehicle. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to enter E585 information.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officers used excessive or unnecessary force.

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

FINDINGS OF FACT: The complainant stated that he went to an event to protest against the speaker. The complainant said an admonition was read at the beginning of the event that protesters would be arrested. The complainant admitted that he stood up and began yelling at the speaker during the event as he and others had pre-planned. The complainant said that San Francisco Police officers approached him and verbally requested he leave the event. The complainant stated he refused to comply with the police request and when officers attempted to escort him from the event, he made his body go limp and fall to the ground. The complainant said officers used unnecessary force when they twisted his arm, causing him pain before the officers carried the complainant from the event. One named officer did admit to carrying the complainant out of the demonstration and the other named officer admitted to moving the complainant's legs but both officers denied using any excessive force. Video evidence provided by the complainant partially corroborated his version of the complaint but it did not exhibit any excessive force used on the complainant by the named officers. The event coordinator placed a private person's arrest on the complainant that the San Francisco Police Department affected.

California Penal Code 835A, San Francisco Police Department General Order 5.01 and San Francisco Police Department Arrest and Control Manual Chapter V, all permit a police officer to use reasonable force to effect an arrest when the officer has reasonable cause to believe the subject has committed a public offense. The goal of the use of force is to gain compliance, not to cause pain or injury. In this instance, the officer used reasonable force by the use of an academy trained pain control hold to the complainant's wrist, to gain compliance of the complainant who was being arrested for disrupting an assembly. The complainant's admissions and the evidence show that the officers acted lawfully.

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SUMMARY OF ALLEGATIONS #1-2: The officers used unnecessary force during the contact.

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

FINDINGS OF FACT: This complaint deals with two complainants. Complainant #1 and complainant #2 mutually alleged the officers used unnecessary force in separate encounters. The officers denied the allegations. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: Complainant #1 alleged the officers made inappropriate comments. The officers denied the allegations. No independent 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 failed to provide their names and/or star numbers upon request.

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

FINDINGS OF FACT: Complainant #1 stated he requested the officers' names and the officers refused to provide the information. One officer stated it was possible the complainant asked for names and star numbers at the jail but he doesn't remember him doing so. The other officer acknowledged the complainant asked for their names and star numbers and that he provided the information to Complainant #1 twice. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #7-8: The officers failed to properly process property.

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

FINDINGS OF FACT: Complainant #1 alleged the officers failed to properly process his property. The officers denied the allegations. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATIONS #9-10: The officers detained complainant #1 and complainant #2 without justification.

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

FINDINGS OF FACT: Complainant #2 stated the bouncer pointed him out to the officers and the officers approached him. The officers stated they were flagged down by security in front of the club who pointed out complainant #2 for loitering and being a nuisance. The officers stated they spoke to complainant #2 briefly, asked for his identification and advised him about loitering. The detention lasted approximately 5 minutes. Complainant #1 stated that complainant #2 had been starting trouble with the security guards.

Complainant #1 said the officers approached him and told him to get out of the street in an aggressive manner and he didn't like it. The officers stated they detained complainant #1 because he walked into traffic and showed signs of intoxication. Complainant #1 acknowledged he was standing in the middle of the street and that he was "drunk". 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 #11-12: The officers intentionally damaged the complainant's property.

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

FINDINGS OF FACT: Complainant #1 alleged the officers intentionally damaged his property. The officers denied the allegations. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

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SUMMARY OF ALLEGATIONS #13-14: The officers used profanity.

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

FINDINGS OF FACT: Complainant #1 and complainant #2 mutually alleged the officers used profanity. The officers denied the allegations. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/29/09 **DATE OF COMPLETION:** 07/29/10 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said he was arrested for being drunk in public. He stated he was having a couple of beers at a friend's house when he was arrested, but he denied being drunk. The officers stated they responded to an emergency 911 call from dispatch regarding a domestic violence complaint. When the officers responded to the complainant's residence, where he had been living with his girlfriend, the complainant had already left. The complainant's girlfriend was present and provided details of the alleged assault. She said the complainant was very intoxicated. She subsequently signed a Citizen's Arrest Form for the complainant's arrest. Following leads and obtaining permission to enter a separate residence, the officers found the intoxicated complainant hiding in a closet. Officers detained the complainant, performed a records check, discovered the complainant had a no-bail warrant lodged against him and arrested him. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-5: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant said the officers punched him in the face after he was arrested. The officers denied punching the complainant and said the complainant was cooperative. The officers stated the complainant was hiding from them in a closet, but the complainant did not resist arrest. A paramedic care report indicates minor swelling to the complainant's forehead around the time of this incident. The complainant told the paramedics he sustained this injury in a fight with his girlfriend. No independent witnesses were developed to support the complainant's allegation of unnecessary force by the officers. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #6-8: The officers displayed inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged the officers were verbally abusive towards him and initially refused to provide him with medical treatment he had requested. The officers denied being verbally abusive to the complainant. The officers did not recall whether the complainant requested any medical attention, but records indicate police requested an ambulance approximately twenty minutes after the complainant arrived at the police station. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #9-11: The officers engaged in retaliatory conduct.

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

FINDINGS OF FACT: The complainant alleged that when he requested to go to the hospital, the officers drove him there in such a manner as to intentionally and abruptly stop the vehicle several times thereby causing him to slam his face against the metal cage inside the patrol car. The complainant alleged the officers failed to secure him with a seat belt in the rear seat of the patrol car, while the complainant was handcuffed behind his back. The officers denied doing this and stated they followed Department policy in securing and transporting the complainant. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #12-14: The officers made sexually derogatory comments to the complainant.

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

FINDINGS OF FACT: The complainant alleged the officers made sexually derogatory comments to him by calling him a “bitch” and a “pussy.” The officers denied allegation. No independent witnesses were developed to support the complainant’s allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #15-17: The officers failed to secure the complainant with a seat belt in the back seat of the patrol car.

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

FINDINGS OF FACT: The complainant alleged the officers failed to secure him with a seat belt in the rear seat of the patrol car, and drove in such a manner as to intentionally inflict injury on him. The officers denied doing this and stated they routinely secure prisoners in the back seat of the patrol car by buckling prisoners with a seat belt. The officers stated they followed Department policy in securing and transporting the complainant. No independent witnesses were developed to support the complainant’s allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/09 **DATE OF COMPLETION:** 07/23/10 **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 named officer denied the allegation. One witness officer did not observe the actions that led to the detention. No other witnesses came forward. There was 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:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The named officer denied the allegation. One witness officer did not observe the actions that led to the citation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The named officer denied the allegation. One witness officer did not recall the interaction of the officer and the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to record E585 Traffic Stop Data required by Department regulations.

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he had recorded the data in a paper worksheet that he filed with his supervisor by the end of the shift in question. One witness officer stated that he did not receive a paper worksheet. The Department stated that it had no evidence the officer had filed a required Traffic Stop Data Collection Worksheet on the day in question. A preponderance of the evidence proved that the conduct complained of did occur and, using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officers failed to properly investigate an incident that occurred at his residence. The complainant had a dispute with a neighbor with whom he has a long-standing animus. The complainant stated his neighbor intentionally damaged his personal property. The complainant stated the officers failed to speak to the witness and should have written a report. The neighbor was unavailable for an OCC interview. The witness to the incident did not clearly recall the responding officers. The officers denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant alleged the officers failed to properly investigate an incident regarding a fight at his residence. The complainant had a guest at his home. The guest had become an uninvited guest, and he allegedly owed the complainant money on a signed note. The guest allegedly fought with one of the complainant's friends and the police arrived. The complainant alleged the officers failed to summon aid to his friend, who was allegedly bloodied about the face in the fight. The complainant further alleged the officers should have written a report and placed his former guest under arrest. A witness stated he saw all three parties at the scene and several police units. The witness stated that the officers talked to all of the principally involved parties, including the complainant, his guest and his friend. The witness further stated the officers asked him and a neighbor what had transpired. The witness also said he saw the complainant's friend during the incident. The witness denied that the complainant's friend's face was bloody, saying he did not look injured. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officers failed to call an ambulance to the scene of a fight. Departmental records indicate that an ambulance was called. The complainant's friend admitted an ambulance arrived but he declined medical assistance. The officers stated they called an ambulance to the scene. 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 #7: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated the officer threatened to have him arrested. The complainant and his friend had a verbal and physical dispute with a guest in the complainant's home, resulting in injury to the guest. The officer asked the guest if he wished to pursue a citizen's arrest against the complainant. The guest declined to pursue the citizens arrest process. The officer denied the allegation, stating he explained the citizens arrest process to the complainant. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that she and a friend left a nightclub on Halloween night and got into a taxi. Two other individuals who claimed a right to that taxi confronted the complainant and her friend, and one of them struck the complainant while inside the taxi. The complainant approached the named officer, who was nearby on his motorcycle, and told him that a man assaulted her inside the taxicab, and pointed to the suspect, who was walking from the taxi to the sidewalk. The complainant stated that the officer ignored her and took no action. A friend of the complainant's confirmed the complainant's account. The named officer stated that the complainant told him that a man hit her, and when he asked who the suspect was, she pointed up the street, where hundreds of people were walking and waiting to enter two night clubs, but did not describe the suspect. The named officer stated that the complainant's friend then summoned her to get inside the taxi, and the complainant left. The named officer stated that he took no further action because the complainant did not describe the suspect and because she left the scene. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant's stated that they were detained and transported to the police station without justification. The named officer stated that he was supervising officers doing a drug abatement operation and that the complainants were detained because two of his officers who were conducting a surveillance observed the complainants involved in drug sales. The two witness officers confirmed the named officer's account of the incident. No civilian witnesses were identified. One complainant failed to respond to requests by the OCC for a follow-up interview and the other complainant could not be contacted for a follow-up interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant's stated that they were searched prior to being transported to the police station. The named officer stated that he was supervising officers doing a drug abatement operation and that the complainants were detained and transported to the police station because two of his officers observed the complainants involved in drug sales. The named officer stated that it is standard practice to search individuals prior to transporting them in a police vehicle. The two witness officers confirmed the named officer's account of the incident. No civilian witnesses were identified. One complainant failed to respond to requests by the OCC for a follow-up interview and the other complainant could not be contacted for a follow-up interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants stated that after they were detained by the named officer and released from the station, the named officer arrested them without cause. The named officer stated that he was supervising officers conducting a drug abatement operation and that the complainants were detained and transported to the police station because two of his officers observed the complainants involved in drug sales. The named officer stated that the complainants were released after no drugs were found in their possession, but were warned not to return to the location where they'd been detained because of a high volume of drug activity there. The named officer stated that the complainants returned to that location and appeared to be involved in drug sales, and remained there after he again warned them to leave the area. The officer stated the complainants were then arrested for loitering. The two witness officers who were conducting surveillance of the location confirmed the named officer's account of the incident. No civilian witnesses were identified. One complainant failed to respond to requests by the OCC for a follow-up interview and the other complainant could not be contacted for a follow-up interview. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer strip-searched the complainants without cause.

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

FINDINGS OF FACT: The complainants stated that they were strip-searched at the police station without cause. The named officer stated that he was supervising officers conducting a drug abatement operation. The complainants were strip searched at his direction because two of his officers who were conducting a surveillance observed the complainants involved in drug sales. The two witness officers confirmed the named officer's account of the incident. No civilian witnesses were identified. One complainant failed to respond to requests by the OCC for a follow-up interview and the other complainant could not be contacted for a follow-up interview. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants stated that the named officer made a racially derogatory comment to them at the police station. The named officer denied the allegation. Witness officers stated that they did not hear the named officer make a racially derogatory comment. Possible civilian witness could not be located. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer threatened the complainants.

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

FINDINGS OF FACT: The complainants stated that the morning after their arrest, they saw the officer who had arrested them at the Hall of Justice, and that he threatened them. The named officer denied threatening the complainants and stated that he informed them that if they were selling drugs, he was going to arrest them. No other witnesses were identified. One complainant failed to respond to requests by the OCC for a follow-up interview and the other complainant could not be contacted for a follow-up interview. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7 -8: The officers failed to promptly and politely provide their name and star number.

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

FINDINGS OF FACT: The complainant stated that the named officers failed to provide their names and star numbers when he asked for them. The named officers denied that the complainant asked for their names and star numbers. No other witnesses were identified. One complainant failed to respond to requests by the OCC for a follow-up interview and the other complainant could not be contacted for a follow-up interview. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated that a uniformed officer at the station pushed him towards a wall and made an inappropriate comment. The plainclothes officers who arrested the complainants stated that they did not see or hear the actions described by the complainants and could not identify the uniformed officer they described. There is insufficient evidence to identify the officer or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officers detained him without justification. The officers denied they detained the complainant as articulated in the complaint. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3-4: The officers handcuffed an individual without justification.

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

FINDINGS OF FACT: The complainant stated the officers handcuffed his customer. The officers acknowledged they handcuffed the male subject after detaining him to check on his probation status. The individual was on active probation with a warrantless search condition. The individual had an outstanding arrest warrant and was arrested by the officers. The officers actions were within Department policy. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #5-6: The officers threatened/harassed the complainant.

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

FINDINGS OF FACT: The complainant alleged the officers harassed and threatened him. The officers stated the complainant engaged in ongoing criminal activity in their presence and they were compelled to respond and take action. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7-8: The officers made inappropriate comments and/or displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officers announced his customer's past crimes. The officers acknowledged they alerted the customer to his outstanding arrest warrant and placed him under arrest. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the named officers searched his vehicle without cause during a traffic stop. The named officers admitted to searching the complainant's vehicle as a result of smelling marijuana in the complainant's vehicle. There is no independent witness to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers harassed the complainant and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that during his traffic stop, the named officers made inappropriate comments and harassed him. The named officers denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the named officer handcuffed him without justification during his traffic stop. The named officer admitted to handcuffing the complainant for officer safety and to conduct a search on the complainant's vehicle as a result of smelling of marijuana in the complainant's vehicle. Another officer did smell the marijuana in the complainant's vehicle. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #6-7: The officers failed to provide their names and badge numbers.

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

FINDINGS OF FACT: The complainant stated the named officers refused to give him their names and badge numbers. The officers denied the allegation. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #8: 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 a malfunctioning brake light. The complainant admitted his brake light was not working. The officer cited the complainant for a malfunctioning brake light. The other officers on scene corroborated the named officer's statement. The evidence proved that the acts, which provide the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #9: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity during this incident. The named officer denied the allegation. The other officers on scene did not hear the named officer use profanity. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer detained and conducted a pat search of the complainant based on his actions, behavior and information that he might be involved in the sales of illegal narcotics. At issue is whether the totality of the circumstances amounted to more than a mere suspicion or hunch, as a search is tantamount to a detention. The investigation finds that the evidence is inconclusive; therefore, a definitive finding cannot be reached.

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

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

FINDINGS OF FACT: Having reached a non-definitive finding as to the detention and search of the complainant it is determined that the arrest is also non-definitive. The fact that the officer recovered suspected illegal narcotics during the pat search of the complainant is insufficient if the search itself was questionable making the subsequent arrest similarly questionable. The investigation finds that the evidence is inconclusive; therefore, a definitive finding cannot be reached.

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

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

FINDINGS OF FACT: The officer denied the allegation. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officers used unnecessary force by pushing him through his doorway and to the floor. The named officers all denied that any such force was used, and stated that their only physical contact with the complainant was placing handcuffs on him. A civilian witness identified by the complainant failed to respond to requests by the OCC for an interview. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION # 4- 6: The officers conducted a search without cause.

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

FINDINGS OF FACT: The complainant stated that the named officers contacted him outside his home and said they had a warrant for his arrest. The complainant informed the officers that he'd had the warrant rescinded and showed them some paperwork from the court confirming this. When the officers told the complainant they had to take him to the police station, he agreed to go immediately. The officers asked if they could enter the complainant's residence to talk, but the complainant refused and asked that they proceed to the police station. When the complainant attempted to shut his front door, the officers pushed him through the door and entered and searched his home without cause. During this search, the complainant heard an officer open a closet door and open a backpack in one of the bedrooms. The officers arrested the complainant for the warrant and then obtained a search warrant to seize items they had discovered during their illegal search.

The named officers stated that they knocked on the complainant's door to serve an arrest warrant on him and that he opened the door, stepped outside and complied when they handcuffed him.

One of the named officers stated that the complainant told them he had addressed the arrest warrant and had paperwork inside his home proving this and that he consented to the officers going inside to get the

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paperwork. This officer also stated that the complainant claimed that his two-year old daughter was inside his home. This officer stated that he and another officer entered and conducted a protective sweep of the complainant's home to locate the complainant's daughter, but discovered she was not there. One officer stated that they then brought the complainant inside the residence so he could direct them to the paperwork he claimed he had addressing the warrant. This officer gave conflicting descriptions of what the complainant said about the location of the paperwork. This officer stated that while conducting the protective sweep, he and another officer saw suspected marijuana, a scale, packaging material, marijuana cultivation apparatus and a gun case in plain view, and that based on these observations, he concluded that marijuana cultivation for sale was taking place. He applied for and received a warrant to search the complainant's home. This officer acknowledged that he did not document the complainant's statement about his two-year old daughter being inside the residence in his report or in his statement of probable cause for the search warrant.

The second named officer stated that the complainant told the officers he had paperwork inside his home proving the arrest warrant was not valid. The complainant also told the officers that his daughter was inside the home, then claimed she was not there. This officer stated that he and the first named officer entered and conducted a protective sweep of the complainant's home but found no one inside. This officer stated that he saw suspected marijuana, a scale, packaging material, marijuana cultivation apparatus and a gun case in plain view inside the residence. The second named officer stated that when the complainant was asked where the paper he referred to was, he refused to tell the officers. This officer stated that the complainant was then transported to the police station and that he and his two partners had other officers respond to secure the residence while they obtained a search warrant.

The third named officer stated that the complainant said his two-year old daughter lived with him, and that his two fellow officers entered and swept the residence to check on her well-being while he remained outside with the complainant. They found no one inside. This officer and the complainant then entered the residence to locate paperwork that the complainant claimed had removed his arrest warrant, although the complainant did not specify where the paperwork was located. The complainant then told the officers to stop searching. This officer also stated that during the search warrant service, he located a backpack in one of the bedrooms with suspected marijuana inside it. After checking the incident report, which indicates that this backpack was found in the living room, this officer revised his statement to conform with what was written in the incident report.

All three named officers stated that the time spent conducting the protective sweep and searching for the paperwork was comparatively brief. Department communications records indicate that at least twenty-six minutes elapsed between the time the named officers took the complainant into custody and when they summoned transport to take him to the police station. This time period is consistent with the interactions and activities that the complainant described taking place inside his residence.

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The complainant claimed that his backpack was inside a rear bedroom but that one of the officers brought it into the living room and opened it in his presence. This statement was contradicted by two of the named officers, who stated that the backpack was not opened during the protective sweep and that it was seized from the rear bedroom during the search warrant service. However, the officer identified in the incident report as seizing the backpack from the living room initially stated that he did not recall who located the backpack but recalled that it was seized from a bedroom and not from the living room. After checking the incident report, this officer said his recollection concerning this was incorrect.

Several elements of the accounts provided by the named officers raise concerns about their credibility. The timeframe of the detention inside the complainant's residence documented by Department records is not consistent with the limited activities the named officers said took place there. The named officers cited the possibility of the complainant's minor child being alone inside the residence as one justification for their entry to and protective search of the residence, yet this fact was not documented in the officers' report or in the search warrant application. A witness identified by the complainant as having observed the complainant's initial interaction with the named officers failed to respond to requests by the OCC to be interviewed. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that three officers took him to the police station and began to conduct a tape recorded interview with him, but that he declined to answer questions. During this interaction, one of the officers used racially derogatory language. The complainant failed to respond to OCC requests for him to view a photographic lineup that would have allowed positive identification of the officer he alleged used this language. All three officers who arrested the complainant denied that such racially derogatory language was used. The officer who stated that he conducted the interview said it was not recorded because they did not have recording equipment. He stated that he did not ask whether a tape recorder was available at the station where the interview was taking place. No witnesses were present. There is insufficient evidence to identify the officer or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that a man approached him seeking to buy drugs, and when the complainant told him he had no drugs, the man persisted until the complainant walked away. The complainant was arrested shortly afterwards for possession of drugs for sale, even though he had no drugs and had not sold any drugs. The named officer stated that he was part of the arrest team in a buy-bust operation and arrested the complainant after being informed that he had sold drugs to an undercover officer. The named officer stated that the complainant spit out several rocks of suspected rock cocaine. The undercover buy officer stated that he purchased drugs from the complainant and gave him marked city funds. Witness officers who were part of the arrest team stated that they saw the complainant spit out rocks of suspected rock cocaine and recovered the marked city funds a short distance from where the complainant was arrested. Department Records established that the complainant had been arrested multiple times in this neighborhood for possession and/or sale of narcotics. The complainant claimed that the officers detained two other men at the scene and took narcotics from one of these men and claimed it belonged to the complainant. All of the officers involved in the operation denied that anyone else was detained in connection with the complainant's arrest, and Communications Records do not reflect the involved officers running wants and warrants checks on anyone other than the complainant. Department Records establish that the complainant pled guilty to the charges arising from this arrest. The credibility of the officers involved in the operation outweighs the credibility of the complainant concerning the circumstances of his arrest and the evidence therefore establishes that the complainant's arrest was proper.

SUMMARY OF ALLEGATION #2: The officer planted drugs on the complainant.

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

FINDINGS OF FACT: The complainant stated that a man approached him seeking to buy drugs and when the complainant told him he had no drugs, the man persisted until the complainant walked away. The complainant was arrested shortly afterwards for possession of drugs for sale, even though he had no drugs and had not sold any drugs. The complainant stated that officers took drugs they had seized from one of two other man they detained at the scene and falsely claimed they belonged to the complainant.

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The complainant could not indicate which of the officers at the scene did this. The officer who arrested the complainant stated that he was part of the arrest team in a buy-bust operation, and arrested the complainant after being informed that he had sold drugs to an undercover officer. The named officer stated that the complainant spit out several rocks of suspected rock cocaine. The undercover buy officer stated that he purchased drugs from the complainant and gave him marked city funds. Other officers who were part of the arrest team stated that they saw the complainant spit out rocks of suspected rock cocaine and that they recovered the marked city funds a short distance from where the complainant was arrested. Department Records established that the complainant had been arrested multiple times in this neighborhood for possession and/or sale of narcotics. All of the officers involved in the operation denied that anyone else was detained in connection with the complainant's arrest and Communications records do not reflect the involved officers running wants and warrants checks on anyone other than the complainant. Department Records establish that the complainant pled guilty to the charges arising from this arrest. The credibility of the officers involved in the operation outweighs the credibility of the complainant concerning the circumstances of his arrest, and the evidence therefore establishes that the act complained of did not occur.

SUMMARY OF ALLEGATION #3: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that money confiscated from him when he was arrested in the street was not documented. The officer who searched the complainant denied that the complainant had the sum of money he claimed to have. A sergeant who was one of the officers involved in the buy-bust operation that resulted in the complainant's arrest stated that he saw the named officer seize the amount of money reflected in Department documents. Other officers involved in the buy-bust operation stated that they did not see the named officer size the complainant's money. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 12/16/09 **DATE OF COMPLETION:** 07/08/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers made inappropriate comments and displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant alleged the officers made inappropriate comments and displayed inappropriate behavior. The officers were questioned. The officers acknowledged they had contact with the complainant but denied the allegations as articulated in the complaint. The witness stated she did not witness the officers say anything to the complainant. No other 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:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleged the officers detained him without justification. The officers denied they detained the complainant and stated they were dispatched to the location to perform a well-being check. The complainant asked the officers if it was a consensual encounter and the officers acknowledged it was. The complainant subsequently provided his identification. The officer's actions were within Department policy. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/17/09 **DATE OF COMPLETION:** 07/08/10 **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 stated he was visiting his mother's residence, in spite of a stay away order, when he was approached by the officer. The complainant stated that the officer stopped him and said, " come here I'm going to search you". A heated exchange ensued and the complainant left the area. The complainant's girlfriend stated that she and the complainant went to the complainant's mother's house to pick up or drop off something. The complainant's girlfriend stated that while the complainant was sitting in the car, the officer approached him and things escalated rather quickly. The officer stated he approached the complainant to remind him that he was not permitted to visit his mother's residence, per his mother's written agreement with the San Francisco Housing Authority. The officer and his partner said that the complainant was not detained. There is insufficient evidence to either prove or disprove the allegation.

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

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

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

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DATE OF COMPLAINT: 12/17/09 **DATE OF COMPLETION:** 07/08/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer threatened to evict the complainant's mother.

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

FINDINGS OF FACT: The complainant and his girlfriend alleged that the officer threatened to evict his mother who lived in a San Francisco Housing Authority property. The officer and his partner denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/17/09 **DATE OF COMPLETION:** 07/23/10 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that the officers arrested him without cause. The named officers stated that they detained the complainant for crossing illegally against a red light and determined that he was on active probation. The officers stated that they saw a piece of suspected crack cocaine behind the complainant's ear and attempted to take him into custody but the complainant resisted and swallowed the suspected crack cocaine. The officers stated that after the complainant was handcuffed, they found a crack pipe in his possession, which was booked into evidence. The complainant stated that he had crossed the street illegally, but denied possessing the crack pipe. The complainant's criminal history indicates he had been arrested previously in the same area for drug-related offenses, including possession of a crack pipe, and had previously swallowed suspected drugs when confronted by the police. Several significant elements of the complainant's account of the incident are contradicted by other evidence and/or buttress the description of the incident provided by the named officers, which diminishes his credibility. The complainant also refused to provide the Office of Citizen Complaints with the name of a civilian witness. No other witnesses were identified. A preponderance of the evidence established that the officers had cause to arrest the complainant and that therefore; the action complained of was proper.

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

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

FINDINGS OF FACT: The complainant stated that the officers used unnecessary force by kicking him in the ribs and punching him in the face when he was face down on the ground, and that one of them intentionally scraped his forehead against the ground. The complainant said the officers immediately placed him in handcuffs, but also stated that the officers repeatedly told him to stop resisting. The complainant also stated that as the named officers led him to their patrol car, one of them grabbed and bent his finger until it broke. The two named officers stated that they struggled to handcuff the complainant, who resisted and who intentionally dove onto the ground to retrieve and swallow a piece of suspected crack cocaine. The named officers stated that they tried to pull the complainant's hands behind his back to handcuff him but denied striking or kicking him or intentionally scraping his head against the pavement.

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The named officers stated that they assumed the complainant sustained the scrapes to his forehead when he dove onto the ground and as he was resisting.

Communications records establish that the named officers made two requests, one minute apart, for help dealing with a resisting suspect. Two witness officers who responded to assist stated that they saw the complainant resisting but did not see the named officers hit or strike the complainant. Other officers who are listed in Communications record as responding to assist stated they arrived after the complainant had been handcuffed or that they did not recall the incident.

Photographs taken of the complainant and the complainant's medical records document abrasions to his forehead. The complainant's medical records document a fracture of his finger, but also indicate he sustained an injury to this finger years prior to this incident. The complainant's medical records do not document any fracture to his ribs.

Department records indicate that four days before this arrest, the complainant was involved in a physical altercation on the street. At that time, the complainant told responding officers he'd been assaulted by several individuals. The officers who interviewed the complainant at that time observed that he was acting erratically and appeared to be under the influence of drugs.

The named officers denied grabbing or bending the complainant's finger.

Several significant elements of the complainant's account of his arrest are contradicted by other evidence and/or buttress the description of the incident provided by the named officers, which diminishes his credibility. The complainant also refused to provide the Office of Citizen Complaints with the name of a civilian witness. No other witnesses were identified. However, the cause of the complainant's injuries, particularly the abrasion to his forehead, cannot be established. Therefore, there is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 12/17/09 **DATE OF COMPLETION:** 07/23/10 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer planted evidence on the complainant

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

FINDINGS OF FACT: The complainant stated that the officer planted a crack pipe on him. The complainant stated that he had a long history of drug use but had not been arrested or involved with drugs for several years. The named officer denied the allegation, stating that he seized the crack pipe from the complainant's pocket. The named officer's partner, who was present at the time the complainant was searched, confirmed his story. Department Records indicate that the named officer booked a crack pipe into evidence. The complainant's claim that he had not been arrested or involved with drugs for several years was contradicted by Department Records, which indicate he had been arrested for possession of a crack pipe five months before this incident. Several other significant elements of the complainant's account of the incident are contradicted by other evidence, which diminishes his credibility. The complainant also refused to provide the Office of Citizen Complaints with the name of a civilian witness. No other witnesses were identified. A preponderance of the evidence established that the named officer did not plant evidence on the complainant.

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

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

FINDINGS OF FACT: The complainant stated that the officer wrote an inaccurate incident report by falsely stating that the complainant had a crack pipe in his possession at the time of his arrest. The complainant stated that he had a long history of drug use but had not been arrested or involved with drugs for several years. The named officer denied the allegation, stating that he saw his partner seize a crack pipe from the complainant's pocket. The named officer's partner confirmed seizing the crack pipe from the complainant's pocket. Department Records indicate that the named officer booked a crack pipe into evidence. The complainant's claim that he had not been arrested or involved with drugs for several years was contradicted by Department Records, which indicate he was arrested for possession of a crack pipe five months before this incident. Several other significant elements of the complainant's account of the incident are contradicted by other evidence, which diminishes his credibility. The complainant also refused to provide the Office of Citizen Complaints with the name of a civilian witness. No other witnesses were identified. A preponderance of the evidence established that the act alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant stated that the officer who searched him seized his cellular phone and over \$200 from him, but that these items were not booked into evidence. Department Records do not reflect a cellular phone or \$200 in cash being seized from the complainant or booked into evidence. The named officer stated that he placed a crack pipe and other items from the complainant's pockets and the complainant's belt inside a property envelope, but he did not specifically recall what other property he seized from the complainant. He stated that he did not think he seized a cellular phone or any cash from the complainant. The named officer's partner stated that he observed the named officer place a crack pipe, the complainant's wallet, belt, and some coins inside a property envelope. He stated that he did not recall whether his partner looked inside the complainant's wallet and did not recall seeing any cash or a cellular phone. The complainant refused to provide the Office of Citizen Complaints with the name of a civilian witness. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 12/27/09 **DATE OF COMPLETION:** 07/08/10 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer interfered with the rights of a bystander.

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

FINDINGS OF FACT: The complainant said he was positioned 20 feet away from the traffic stop and not interfering in any way with the police action. The incident report and officers reported that the complainant was too close, refused to move back and thereby compromised officer safety. No other witness responded to the OCC's requests for an interview. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer said the complainant was interfering with a police investigation and so was detained for officer safety. Witness officers corroborated the named members charges against the complainant. The complainant denied interfering with the police investigation. No other witness responded to the OCC's requests for an interview. There is insufficient evidence to reach a definitive finding.

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

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

FINDINGS OF FACT: The officer denied the allegation. Witness officers denied that the named member used unnecessary force. The complainant called a supervising officer to the area to make a report of excessive use of force. The responding officer received the complainant's report of force that caused pain to his fingers. The officer was interviewed by the supervising officer and denied using unnecessary force. The paramedics responded to the scene but the complainant refused medical attention. No other witness responded to the OCC's requests for an interview. There was no paramedic report corresponding to this incident. An entry was made in the Use of Force Log. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #4: The officer used a sexual slur.

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

FINDINGS OF FACT: The officer denied the allegation. Witness officers denied hearing the officer use a sexually derisive remark. No other witness responded to the OCC's requests for an interview. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #5 and 6: The officers used profanity.

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

FINDINGS OF FACT: The officers denied the allegation. Witness officers denied hearing the officers use profanity. No other witness responded to the OCC's requests for an interview. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATIONS #7 and 8: The officers failed to take required action.

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

FINDINGS OF FACT: A Certificate of Release signed by one of the named members was filed along with the police report and documented in the narrative that a copy was given to the complainant at the scene. The officer told the OCC that he gave a copy to the complainant. The supervising officer reported that the named member told him that he had given the complainant a copy of the Certificate and presented him with the department copy as proof. The complainant told the OCC he was not provided with any form of paperwork and told the supervising officer the same. No other witness responded to the OCC's requests for an interview. There is insufficient evidence to reach a definitive finding.

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SUMMARY OF ALLEGATION #9: The officer threatened the complainant.

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

FINDINGS OF FACT: The officer denied making the alleged threat but said that when the complainant resisted and pulled away from him he admonished the complainant that if he continued to resist he would apply more pressure. Witness officers denied hearing the officer make the alleged threat. No other witness responded to the OCC's requests for an interview. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/08/10 **DATE OF COMPLETION:** 07/08/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer displayed a rude attitude and/or demeanor.

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

FINDINGS OF FACT: The identity of the alleged officer has not been established. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 11/05/09 **DATE OF COMPLETION:** 07/29/10 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the officers did nothing to arrest the suspect even after he provided information of where he resided. The complainant also stated the sergeants did not force the witness to provide all information he knew about the incident. The sergeants denied the allegation. Department records document that this incident was investigated. The complainant himself mentioned he met with one of the sergeants several times regarding the investigation. The evidence proved that the officers performed their duties as per DGO 2.01 Rule 5.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/26/10 **DATE OF COMPLETION:** 07/10/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was walking with her dog on a leash when the officers detained her without justification. The named officers stated that they stopped and detained the complainant because her dog was off-leash on the street. A civilian witness identified by the complainant stated that the complainant told her that her dog got away from her and she was trying to catch up to it when the officers approached her and told her that she needed to maintain control of her dog. Another civilian witness stated the complainant walks with a stroller and an unleashed dog every day and that the complainant's dog runs up the steps of this witness' home. This witness stated that they have repeatedly asked the complainant to leash her dog to no avail. A preponderance of the evidence established that when the officers stopped and detained her, the complainant's dog was off-leash, a violation of the San Francisco Health Code, and that therefore the actions of the officers were lawful and proper.

SUMMARY OF ALLEGATION # 3 & 4: The officers exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officers, who were in civilian clothes and who appeared to be vagrants, approached her and claimed to be police officers. One of the officers briefly displayed a badge, which the complainant believed to be counterfeit. The complainant stated that the officers -- who she still believed were vagrants seeking to steal her dog, kidnap her two young children (who were in a stroller), or harass her until she gave them money -- followed in what she believed was an intimidating manner. At one point, one of the officers screamed at the complainant to shut up her children. The named officers stated that they were working in plainclothes enforcing dog-related infractions they saw the complainant with her dog off-leash, which was a violation of the San Francisco Health Code. The officers stated that they attempted to stop the complainant in order to issue her a citation for her dog being off-leash and for not having a dog license. The complainant argued that she did not need a dog license. The complainant could not produce identification when the officers asked for it in order to complete a citation, and then began walking away. The officers followed the complainant, imploring her to stop,

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DATE OF COMPLAINT: 01/26/10 **DATE OF COMPLETION:** 07/10/10 **PAGE#** 2 of 2
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and when she was about to run into an intersection with her stroller, one of the officers stood in front of her to stop her. One of the officers picked up the leash to her dog that she had dropped. Backup units arrived and helped calm the complainant, who was then issued a citation. Both officers denied that the complainant ever said she did not believe they were police officers and both denied screaming or raising their voices or telling the complainant to shut up.

One civilian witness stated that she looked outside her home and saw the complainant in the middle of the street yelling for help as one man in civilian clothes held her back and another tried to take her dog. One of these men showed the witness a badge and an identification card, which she did not believe were genuine. Multiple uniformed police officers then arrived. The complainant told this witness she thought the two officers in civilian clothes were trying to steal her dog. This witness stated that she did not hear the officers yell at the complainant.

A second civilian witness, who was with the first civilian witness, stated that she looked outside and saw the complainant in the middle of the street screaming and attempting to get away from two men in civilian clothes who looked like drug-users. The complainant was yelling for help and saying the men were trying to steal her dog. The witness grabbed the complainant's dog's leash from one of these men, who then showed her a badge and said he was a police officer. This witness believed the badge looked fake and did not believe that this man was a police officer. Uniformed officers arrived soon afterwards and the complainant, who had been crying hysterically, calmed down.

A third civilian witness stated that when they arrived home, they saw several marked police cars and officers on the street. The complainant was screaming that she was a lawyer and that the officers would be hearing from her. The named officers told this witness that the complainant's dog was off-leash and that they wanted to issue her a citation but she became upset and walked away. This witness also stated that the complainant walks with a stroller and an unleashed dog every day and that the complainant's dog runs up the steps of this witness' home. This witness stated that they have repeatedly asked the complainant to leash her dog to no avail.

No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 12/28/09 **DATE OF COMPLETION:** 07/28/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that the officer misrepresented the truth in his traffic response form to the court. The officer denied the allegation. The officer stated that what he wrote in his traffic response was true to the best of his recollection. No witnesses came forward. The evidence was insufficient to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to take required action. The complainant stated the Traffic Court dismissed his case because the officer failed to attend the hearing. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to prove or disprove the allegation.

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DATE OF COMPLAINT: 12/28/09 **DATE OF COMPLETION:** 07/28/10 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to take required action. The officer denied the allegation. The officer denied making such statement to the complainant. No witnesses came forward. The evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/12/10 **DATE OF COMPLETION:** 07/16/10 **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 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 harassed the complainant.

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

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

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DATE OF COMPLAINT: 02/12/10 **DATE OF COMPLETION:** 07/16/10 **PAGE #** 2 of 2

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

CATEGORY OF CONDUCT: UA **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.

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

CATEGORY OF CONDUCT: B **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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DATE OF COMPLAINT: 02/25/10 **DATE OF COMPLETION:** 07/29/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The OCC made numerous attempts to contact the complainant, with negative results. The complainant failed to provide requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/26/10 **DATE OF COMPLETION:** 07/10/10 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the officer cited him for misuse of a disabled placard in his vehicle. The complainant admitted the disabled placard hung on his rearview mirror when he entered the car. He stated he removed it, and got into the car alone. The complainant admitted that the disabled person permitted to use the placard in his vehicle was not with him at any time. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/10/10 **DATE OF COMPLETION:** 07/26/10 **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 alleged that the officer issued him a citation for turning in front of a train, which he denied doing. The officer stated the complainant turned in front of and passed the train, placing himself in the lane for oncoming traffic. The officer stated the complainant's action was unsafe because the complainant could not see if there was oncoming traffic. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant is a taxi driver who was in violation of Section 1089(g) of the Municipal Police Code that states, under the penalty of revocation of license, the badge must be constantly and conspicuously displayed on the outside of the driver's clothing when engaged in his or her employment. The evidence shows that the complainant was engaged in his employment, and his badge was not conspicuously displayed when the officer contacted him. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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DATE OF COMPLAINT: 03/10/10 **DATE OF COMPLETION:** 07/26/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #4: The officer failed to return the complainant's property.

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

FINDINGS OF FACT: The complainant alleged that during the contact, the officer took his badge and failed to return it. The officer denied the allegation. No witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/24/10 **DATE OF COMPLETION:** 07/20/10 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer detained a man without justification.

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

FINDINGS OF FACT: The complainant withdrew the allegation.

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

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

FINDINGS OF FACT: The complainant withdrew the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/10 **DATE OF COMPLETION:** 07/28/10 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

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

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

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

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DATE OF COMPLAINT: 03/25/10 **DATE OF COMPLETION:** 07/27/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officer arrested and charged the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that SFPD officers arrested and charged him without any legitimate reason. However, the complainant's statement to the OCC and the documentation on his vehicle showed that the officers had probable cause to charge him with the listed 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 officers towed and impounded the vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that SFPD officers towed and impounded his vehicle without any legitimate reason. The named members stated that, after the complainant was arrested, his car was towed because it was parked illegally. The complainant was unable to release it to anyone at the scene. In his OCC statement, the complainant, in essence, corroborated the officers' assertion, i.e., that he was unable to release the car to anyone at the time of his arrest. SFPD policy regarding Vehicle Tows allows members to tow the vehicle under such circumstances. 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: 03/25/10 **DATE OF COMPLETION:** 07/27/10 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the named member inappropriately questioned him at the station. The named member denied the allegation. The officer's partner stated to the OCC that he was not present at the time of the alleged misconduct. No other witnesses came forward. The available evidence was insufficient to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: